

NO. 17

JOURNAL
of the
HOUSE OF REPRESENTATIVES
of the
STATE OF SOUTH CAROLINA



REGULAR SESSION BEGINNING TUESDAY, JANUARY 13, 2009

WEDNESDAY, FEBRUARY 11, 2009
(STATEWIDE SESSION)

Wednesday, February 11, 2009
(Statewide Session)

~~Indicates Matter Stricken~~
Indicates New Matter

The House assembled at 10:00 a.m.

Deliberations were opened with prayer by Rev. Charles E. Seastrunk, Jr., as follows:

Our thought for today is from Psalm 143:b: "Show me the way I should go, for to you I lift up my soul."

Let us pray. Almighty God, we lift up our request to You as we again come together for the people of this State. May we be encouraged by You to make the right decisions to move our State forward for the betterment of those whom we serve. Give us wisdom, give us courage, for the living and working during these days. Show us the way to get the work done. Bless our Nation, President, State, Governor, Speaker, and all who serve in these Halls of Government, that they may do what is good and proper for the people. Protect our defenders of freedom at home and abroad as they protect us. Hear us as we pray, O Lord. Amen.

Pursuant to Rule 6.3, the House of Representatives was led in the Pledge of Allegiance to the Flag of the United States of America by the SPEAKER.

After corrections to the Journal of the proceedings of yesterday, the SPEAKER ordered it confirmed.

MOTION ADOPTED

Rep. SKELTON moved that when the House adjourns, it adjourn in memory of Salena Parrish Griffin of Six Mile, which was agreed to.

February 11, 2009
The Honorable Charles Reid
Clerk
South Carolina House of Representatives
P.O. Box 11867
Columbia SC 29211

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Dear Mr. Reid:

I will not be participating in the election process for the Court of Appeals Seat 5. If you need any further information or have any questions, please feel free to call me.

Sincerely,
George M. Hearn

REGULATION WITHDRAWN AND RESUBMITTED

Document No. 3204

Agency: Department of Consumer Affairs

Statutory Authority: 1976 Code Sections 37-11-10 et seq.

Licensing Standards for Continuing Care Retirement Communities

Received by Speaker of the House of Representatives April 25, 2008

Referred to Medical, Military, Public and Municipal Affairs Committee

Legislative Review Expiration April 1, 2009

Revised: March 12, 2009

REPORTS OF STANDING COMMITTEES

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report with amendments on:

H. 3352 -- Reps. Cooper, Owens, Stewart, Whitmire, Funderburk, Rice, Wylie, Allison, E. H. Pitts, R. L. Brown, White, Stavrinakis, Miller, Anderson, Battle, Hayes, Gilliard, Sottile, Mack, Harvin, Whipper, Hutto, G. R. Smith, Knight, Willis, Neilson, T. R. Young, Cobb-Hunter, J. H. Neal, Clyburn, G. M. Smith, Kennedy, Herbkersman, Merrill, Bingham, Ott, J. R. Smith, A. D. Young, Kirsh, Lucas, Littlejohn, Edge, Limehouse, M. A. Pitts, Loftis, D. C. Smith and Pinson: A JOINT RESOLUTION TO ALLOW LOCAL SCHOOL DISTRICTS AND SPECIAL SCHOOLS TO TRANSFER FUNDS AMONG APPROPRIATED REVENUES IN ORDER TO ENSURE THE DELIVERY OF ACADEMIC AND ARTS INSTRUCTION DURING THE 2008-2009 AND 2009-2010 FISCAL YEARS; TO ALLOW SCHOOL DISTRICTS FOR FISCAL YEARS 2008-2009 AND 2009-2010 TO SUSPEND CERTAIN PROFESSIONAL STAFFING RATIOS, TO TRANSFER FUNDS, TO DELAY THE DATE THAT TEACHER CONTRACTS ARE ISSUED, AND TO NEGOTIATE SALARIES FOR RETIRED AND TERA TEACHERS BELOW MINIMUM SALARY REQUIREMENTS; TO ALLOW SCHOOL DISTRICTS FOR THE 2008-2009 AND 2009-2010

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FISCAL YEARS TO FURLOUGH TEACHERS AND SCHOOL AND DISTRICT ADMINISTRATORS UPON CERTAIN CONDITIONS; TO PROVIDE CERTIFICATION AND REPORTING REQUIREMENTS; TO SUSPEND CERTAIN FORMATIVE ASSESSMENTS AND TO ALLOW SCHOOL DISTRICTS TO PURCHASE THE MOST ECONOMICAL TYPE OF BUS FUEL FOR THE 2008-2009 AND 2009-2010 FISCAL YEARS.

Ordered for consideration tomorrow.

Rep. COOPER, from the Committee on Ways and Means, submitted a favorable report on:

H. 3378 -- Rep. Cooper: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8-11-192 SO AS TO PROVIDE FOR THE TERMS AND CONDITIONS OF MANDATORY STATE AGENCY FURLOUGH PROGRAMS AND TO DELETE THE PROVISIONS OF PARAGRAPH 89.120, PART IB, OF ACT 310 OF 2008, RELATING TO STATE AGENCY FURLOUGHS.

Ordered for consideration tomorrow.

Rep. HOWARD, from the Committee on Medical, Military, Public and Municipal Affairs, submitted a favorable report with amendments on:

H. 3170 -- Reps. Gunn and Wylie: A JOINT RESOLUTION TO CREATE THE JOINT ELECTRONIC HEALTH INFORMATION STUDY COMMITTEE TO EXAMINE THE FEASIBILITY OF INCREASING THE USE OF HEALTH INFORMATION TECHNOLOGY AND ELECTRONIC PERSONAL HEALTH RECORDS, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY BEFORE JANUARY 1, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Ordered for consideration tomorrow.

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Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 3040 -- Reps. M. A. Pitts, Harrell, Stringer, Parker, Daning, G. M. Smith, Umphlett and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 54 TO TITLE 2 SO AS TO ESTABLISH A PERMANENT JOINT COMMITTEE OF THE GENERAL ASSEMBLY TO MONITOR, STUDY, AND MAKE APPROPRIATE RECOMMENDATIONS ON ALL ISSUES, LEGISLATION, AND OTHER ACTIONS NECESSARY TO SUSTAIN AND DEVELOP SOUTH CAROLINA'S MILITARY INSTALLATIONS, COMMUNITIES, AND DEFENSE-RELATED BUSINESSES.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 3342 -- Reps. Delleney, Simrill, Nanney, Allison, Clemmons, Erickson, Hamilton, Lucas, Owens, Parker, Pinson, Scott, G. R. Smith and J. R. Smith: A BILL TO AMEND SECTION 2-7-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION OF THE WORDS "PERSON" AND "PARTY" AS THOSE WORDS APPEAR IN THE LAWS OF THIS STATE, SO AS TO PROVIDE FURTHER FOR THE CONSTRUCTION OF "PERSON", "HUMAN BEING", "CHILD", AND "INDIVIDUAL", SO THAT THEY INCLUDE EVERY INFANT MEMBER OF SPECIES HOMO SAPIENS WHO IS BORN ALIVE AND TO DEFINE "BORN ALIVE".

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report on:

H. 3333 -- Reps. A. D. Young, J. H. Neal, Simrill and T. R. Young: A BILL TO AMEND SECTION 14-1-206, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ADDITIONAL ASSESSMENTS IMPOSED BY GENERAL SESSIONS COURTS, SO AS TO PROVIDE AN AMOUNT TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY; AND TO AMEND SECTION 14-1-207, AS AMENDED, RELATING TO

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ADDITIONAL ASSESSMENTS IMPOSED BY MAGISTRATES COURTS, SO AS TO PROVIDE AN AMOUNT TO THE SOUTH CAROLINA CRIMINAL JUSTICE ACADEMY.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3418 -- Reps. Harrell, Simrill, Crawford, Huggins, Bedingfield, Merrill, G. R. Smith, Erickson, Ballentine, Brady, Chalk, Daning, Delleney, Frye, Gambrell, Hamilton, Harrison, Hearn, Herbkersman, Loftis, Long, Lucas, Nanney, Pinson, Rice, G. M. Smith, Spires, Stringer, Thompson, Viers, Willis, Wylie, T. R. Young and Clemmons: A BILL TO AMEND SECTION 7-13-710, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PRESENTATION OF A PERSON'S PROOF OF HIS RIGHT TO VOTE, SO AS TO REQUIRE THE ELECTOR TO PRODUCE A VALID PHOTO IDENTIFICATION CARD AT THE TIME OF COSTING HIS BALLOT, TO REQUIRE A POLL MANAGER TO COMPARE THE PHOTOGRAPH ON THE REQUIRED IDENTIFICATION WITH THE PERSON PRESENTING HIMSELF TO VOTE AND VERIFY THAT THE PHOTOGRAPH IS THAT OF THE PERSON SEEKING TO VOTE.

Ordered for consideration tomorrow.

Rep. HARRISON, from the Committee on Judiciary, submitted a favorable report with amendments on:

H. 3171 -- Reps. J. E. Smith, H. B. Brown and E. H. Pitts: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 7 TO CHAPTER 5, TITLE 63 SO AS TO ENACT THE "MILITARY PARENT EQUAL PROTECTION ACT", TO PROVIDE THAT A MILITARY PARENT'S MILITARY SERVICE SHALL NOT BE CONSIDERED A CHANGE IN CIRCUMSTANCE FOR PURPOSES OF CHILD CUSTODY AND VISITATION, TO PROVIDE THAT THE CUSTODIAL NONMILITARY PARENT MUST REASONABLY ACCOMMODATE THE MILITARY PARENT'S LEAVE SCHEDULE, TO PROVIDE THAT THE FAMILY COURT MAY HOLD AN EXPEDITED TEMPORARY HEARING TO ENSURE THAT THE MILITARY PARENT HAS ACCESS TO A MINOR

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CHILD, AND TO PROVIDE THAT AN INCREASE OR DECREASE IN EARNING CAPACITY DUE TO MILITARY SERVICE IS NOT CONSIDERED A PERMANENT CHANGE; AND BY ADDING SECTION 15-1-340 SO AS TO PROVIDE THAT A SERVICE MEMBER ENTITLED TO A STAY PURSUANT TO THE SERVICE MEMBERS CIVIL RELIEF ACT MAY SEEK RELIEF AND PROVIDE TESTIMONY BY ELECTRONIC MEANS UNDER CERTAIN CONDITIONS.

Ordered for consideration tomorrow.

HOUSE RESOLUTION

The following was introduced:

H. 3493 -- Rep. Millwood: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE LANDRUM HIGH SCHOOL "LADY CARDINALS" VOLLEYBALL TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS A STATE CHAMPIONSHIP, AND TO HONOR THE TEAM'S EXCEPTIONAL PLAYERS, COACH, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

On motion of Rep. MILLWOOD, with unanimous consent, the following was taken up for immediate consideration:

H. 3494 -- Rep. Millwood: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LANDRUM HIGH SCHOOL "LADY CARDINALS" VOLLEYBALL TEAM, COACH, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Landrum High School "Lady Cardinals" volleyball team, coach, and school officials, at a date and

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time to be determined by the Speaker, for the purpose of recognizing and commending them on their outstanding season and for capturing the 2008 Class A State Championship title.

The Resolution was adopted.

HOUSE RESOLUTION

The following was introduced:

H. 3495 -- Rep. Millwood: A HOUSE RESOLUTION TO RECOGNIZE AND COMMEND THE LANDRUM HIGH SCHOOL BOYS CROSS COUNTRY TEAM FOR ITS OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS A STATE CHAMPIONSHIP TITLE, AND TO HONOR THE TEAM'S EXCEPTIONAL RUNNERS, COACHES, AND STAFF.

The Resolution was adopted.

HOUSE RESOLUTION

On motion of Rep. MILLWOOD, with unanimous consent, the following was taken up for immediate consideration:

H. 3496 -- Rep. Millwood: A HOUSE RESOLUTION TO EXTEND THE PRIVILEGE OF THE FLOOR OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES TO THE LANDRUM HIGH SCHOOL CROSS COUNTRY TEAM, COACHES, AND SCHOOL OFFICIALS, AT A DATE AND TIME TO BE DETERMINED BY THE SPEAKER, FOR THE PURPOSE OF RECOGNIZING AND COMMENDING THEM ON THEIR OUTSTANDING SEASON AND FOR CAPTURING THE 2008 CLASS A STATE CHAMPIONSHIP TITLE.

Be it resolved by the House of Representatives:

That the privilege of the floor of the South Carolina House of Representatives be extended to the Landrum High School cross country team, coaches, and school officials, at a date and time to be determined by the Speaker, for the purpose of recognizing and commending them

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on their outstanding season and for capturing the 2008 Class A State Championship title.

The Resolution was adopted.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 393 -- Senator Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE VICTORIE HANSEN, KARI PAIT, AND HEATHER REDD, OF GASTON GIRL SCOUT TROOP 3285, FOR ACHIEVING THE GIRL SCOUT GOLD AWARD, TO COMMEND THEM FOR THEIR HARD WORK AND DETERMINATION IN REACHING THIS GOAL, AND TO THANK THEM FOR THEIR LABORS IN CONSTRUCTING A NEW WELCOME SIGN FOR THE TOWN OF GASTON.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

CONCURRENT RESOLUTION

The Senate sent to the House the following:

S. 394 -- Senator Knotts: A CONCURRENT RESOLUTION TO CONGRATULATE BUNYAN M. CAVE, PROGRAM MANAGER OF THE SOUTH CAROLINA BUDGET & CONTROL BOARD'S DIVISION OF STATE INFORMATION TECHNOLOGY, UPON THE OCCASION OF HIS RETIREMENT, TO COMMEND HIM FOR THIRTY YEARS OF DEDICATED SERVICE TO THE STATE OF SOUTH CAROLINA, AND TO EXTEND BEST WISHES FOR MUCH HAPPINESS AND FULFILLMENT IN ALL HIS FUTURE ENDEAVORS.

The Concurrent Resolution was agreed to and ordered returned to the Senate with concurrence.

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INTRODUCTION OF BILLS

The following Bills and Joint Resolution were introduced, read the first time, and referred to appropriate committees:

H. 3497 -- Rep. Gullick: A JOINT RESOLUTION TO ESTABLISH A STUDY COMMITTEE TO REVIEW, STUDY, AND MAKE RECOMMENDATIONS CONCERNING THE PRACTICE OF DEBT COLLECTION AND RECOVERY AGENCIES, TO PROVIDE FOR THE STUDY COMMITTEE'S MEMBERSHIP, AND TO REQUIRE THE STUDY COMMITTEE TO REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE GENERAL ASSEMBLY NO LATER THAN JANUARY 19, 2010, AT WHICH TIME THE STUDY COMMITTEE IS ABOLISHED.

Referred to Committee on Labor, Commerce and Industry

H. 3498 -- Rep. J. E. Smith: A BILL TO AMEND SECTION 1-30-10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENTS OF STATE GOVERNMENT, SO AS TO REQUIRE ORGANIZATION AND REORGANIZATION OF EXECUTIVE DEPARTMENTS AND DISSOLUTION OF AGENCY DIVISIONS TO BE APPROVED BY THE GENERAL ASSEMBLY BY STATUTE, TO DELETE OBSOLETE PROVISIONS, REQUIRE AGENCIES TO REPORT RECOMMENDATIONS FOR MORE EFFICIENT AGENCY ADMINISTRATION TO THE GOVERNOR AND GENERAL ASSEMBLY OR TO REPORT THAT IT HAS NO RECOMMENDATIONS AND PROVIDE FOR THE DISPOSITION OF THESE REPORTS, AND REQUIRE AGENCIES TO SUBMIT FIVE-YEAR PLANS TO THE GOVERNOR AND GENERAL ASSEMBLY; TO AMEND SECTION 8-27-10, AS AMENDED, RELATING TO THE DEFINITION OF REPORT FOR THE PURPOSES OF THE EMPLOYMENT PROTECTION FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION, BY PROVIDING THAT A REPORT MAY BE A WRITTEN OR ORAL ALLEGATION OR TESTIMONY TO A LEGISLATIVE COMMITTEE; BY ADDING SECTION 8-27-60 SO AS TO PROVIDE THAT A SUMMARY OF THE PROVISIONS CONTAINED IN LAW PROTECTING EMPLOYEES FOR REPORTS OF VIOLATIONS OF STATE OR FEDERAL LAW OR REGULATION MUST BE POSTED ON THE INTERNET WEBSITE OF EACH PUBLIC BODY SUBJECT TO THE LAW; AND BY

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ADDING CHAPTER 2 TO TITLE 2 SO AS TO PROVIDE THAT THE STANDING COMMITTEES OF THE GENERAL ASSEMBLY HAVE A DUTY TO REVIEW AND STUDY THE OPERATIONS OF THE STATE AGENCIES WITHIN THE COMMITTEE'S JURISDICTION, TO ESTABLISH COMMITTEE OVERSIGHT JURISDICTION, TO PROVIDE FOR THE PROCESS BY WHICH A COMMITTEE MAY INITIATE AN OVERSIGHT STUDY OR INVESTIGATION, TO PROVIDE FOR THE MANNER IN WHICH AN INVESTIGATING COMMITTEE MAY ACQUIRE EVIDENCE OR INFORMATION RELATED TO THE STUDY OR INVESTIGATION, TO PROVIDE FOR PROGRAM EVALUATION REPORTS, THE MANNER IN WHICH THEY ARE REQUESTED, AND THE CONTENTS OF THE REPORTS, TO PROVIDE THAT ALL TESTIMONY GIVEN TO AN INVESTIGATING COMMITTEE MUST BE GIVEN UNDER OATH, TO PROVIDE THAT WITNESSES TESTIFYING IN FRONT OF AN INVESTIGATING COMMITTEE MAY BE REPRESENTED BY COUNSEL, AND TO PROVIDE THAT WITNESSES ARE GIVEN THE BENEFIT OF ANY PRIVILEGE WHICH THE WITNESS COULD HAVE CLAIMED IN COURT AS A PARTY TO A CIVIL ACTION.

Referred to Committee on Judiciary

H. 3499 -- Reps. Gilliard, Brantley, Whipper, R. L. Brown, Hodges, Hosey, Howard, King, Mack and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 44-7-79 SO AS TO PROVIDE A HOSPITAL THAT SCHEDULES A NURSE EMPLOYEE TO WORK A SPECIFIC NUMBER OF HOURS IN A SHIFT MAY NOT REDUCE THE NUMBER OF HOURS THE NURSE MAY WORK DURING THE SHIFT WITHIN TWENTY-FOUR HOURS OF WHEN THE SHIFT BEGINS, UNLESS THE HOSPITAL COMPENSATES THE NURSE FOR THE ENTIRE NUMBER OF HOURS THE NURSE WAS SCHEDULED TO WORK.

Referred to Committee on Medical, Military, Public and Municipal Affairs

H. 3500 -- Reps. Gilliard, Brantley, Whipper, Clyburn, Hodges, Hosey, Howard, King, Mack, McLeod and Mitchell: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27-40-810 SO AS TO PROVIDE THE

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EXECUTION OF A JUDGMENT FOR EJECTMENT MAY NOT OCCUR UNTIL AT LEAST SEVEN DAYS LAPSE FROM THE DATE ON WHICH THE MAGISTRATE ISSUED THE ORDER OR, IF THE JUDGMENT IS STAYED, UNTIL AT LEAST SEVEN DAYS LAPSE FROM THE DATE ON WHICH THE ORDER IS LIFTED, AND DURING THE SEVEN DAY PERIOD THE TENANT MAY REMOVE HIS PERSONAL PROPERTY FROM THE PREMISES WITHOUT INTERFERENCE FROM THE LANDLORD; AND TO AMEND SECTION 27-40-710, RELATING TO REMOVAL OF AN EVICTED TENANT'S PERSONAL PROPERTY FROM THE RENTAL PREMISES, SO AS TO PROVIDE THE PARTY REMOVING THE PERSONAL PROPERTY SHALL RETAIN POSSESSION OF THE PERSONAL PROPERTY FOR THIRTY DAYS, DURING WHICH TIME THE TENANT MAY RECOVER THE PERSONAL PROPERTY.

Referred to Committee on Judiciary

H. 3501 -- Reps. Loftis, J. E. Smith, Barfield, Haley, Agnew, Battle, Bowen, Cato, Duncan, Gambrell, Herbkersman, Horne, Hosey, Limehouse, Moss, J. H. Neal, Neilson, Owens, Pinson, E. H. Pitts, Rice, Stringer, Williams, Wylie and A. D. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 23 TO TITLE 25 SO AS TO ESTABLISH THE DISASTER ASSISTANCE TRUST FUND, TO PROVIDE FOR ITS PURPOSE, SOURCE OF FUNDING, INTEREST EARNINGS, AND ADMINISTRATION, TO PROVIDE THAT AN UNEXPENDED BALANCE IN THE FUND ROLLS OVER TO THE NEXT FISCAL YEAR, TO PROVIDE FOR THE USE OF MONIES WITHIN THE FUND AND THAT THE FUND MUST BE HELD HARMLESS FROM BUDGET REDUCTIONS, AND TO PROVIDE FOR THE PROMULGATION OF REGULATIONS NECESSARY TO IMPLEMENT THE CHAPTER; TO AMEND SECTION 8-25-10, RELATING TO DEFINITIONS, SO AS TO DEFINE EMERGENCY SUPPORT FUNCTION VOLUNTEER; TO AMEND SECTION 8-25-20, RELATING TO USE OF VOLUNTEERS AND DEVELOPMENT OF PROGRAMS, SO AS TO ALLOW GOVERNMENT AGENCIES TO DEVELOP VOLUNTEER PROGRAMS TO INCLUDE EMERGENCY SUPPORT FUNCTION VOLUNTEERS; TO AMEND SECTION 8-25-40, RELATING TO MILEAGE, LIABILITY INSURANCE, AND PROTECTION OF SOVEREIGN IMMUNITY, SO AS TO PROVIDE THAT EMERGENCY SUPPORT

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VOLUNTEERS SHALL RECEIVE MILEAGE, LIABILITY INSURANCE, SOVEREIGN IMMUNITY, AND WORKERS' COMPENSATION COVERAGE FOR SERVICE TO THE STATE AS VOLUNTEERS UNDER CERTAIN CIRCUMSTANCES; TO AMEND SECTION 11-5-230, RELATING TO AN ACCOUNT FOR MATCHING DISASTER ASSISTANCE FUNDS, SO AS TO ESTABLISH THE NAME OF THE FUND AS THE DISASTER ASSISTANCE TRUST FUND AND TO PROVIDE FOR THE PURPOSE OF THE FUND; TO AMEND SECTION 25-1-420, AS AMENDED, RELATING TO THE SOUTH CAROLINA EMERGENCY MANAGEMENT DIVISION OF THE OFFICE OF THE ADJUTANT GENERAL, SO AS TO PROVIDE FURTHER RESPONSIBILITIES OF THE DIVISION; TO AMEND SECTION 25-1-440, AS AMENDED, RELATING TO POWERS AND DUTIES OF THE GOVERNOR DURING A DECLARED EMERGENCY, SO AS TO PROVIDE THAT HIS AUTHORITY TO PROVIDE TIMING AND TERMINATION REQUIREMENTS FOR HIS AUTHORITY TO COMPEL AN EVACUATION; TO AMEND SECTION 42-1-130, AS AMENDED, RELATING TO THE DEFINITION OF AN EMPLOYEE, SO AS TO INCLUDE EMERGENCY SUPPORT FUNCTION VOLUNTEERS; TO AMEND SECTION 42-7-65, AS AMENDED, RELATING TO AVERAGE WEEKLY WAGE, SO AS TO PROVIDE FOR THE AVERAGE WEEKLY WAGE CALCULATION FOR EMERGENCY FUNCTION VOLUNTEERS; AND TO AMEND SECTION 59-23-210, RELATING TO CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOLS, SO AS TO REQUIRE THE APPOINTMENT OF A REPRESENTATIVE OF THE EMERGENCY MANAGEMENT DIVISION TO THE COMMITTEE CHARGED WITH UPDATING THE CONSTRUCTION STANDARDS GUIDE.

Referred to Committee on Ways and Means

S. 4 -- Senators McConnell, Campsen, Rose, Bryant, Elliott, Peeler, Bright, Campbell, Ford, Knotts, Davis, Setzler and S. Martin: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, TO ENACT THE "SOUTH CAROLINA TEACHER PROTECTION ACT OF 2009", BY ADDING SECTION 59-25-900, SO AS TO PROVIDE THAT A TEACHER MAY BRING A CIVIL ACTION AGAINST A STUDENT WHO COMMITS A CRIMINAL OFFENSE AGAINST THE TEACHER IF THE OFFENSE OCCURS ON SCHOOL GROUNDS OR AT A SCHOOL-RELATED EVENT, OR

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IF THE OFFENSE IS DIRECTLY RELATED TO THE TEACHER'S PROFESSIONAL RESPONSIBILITIES, AND TO PROVIDE THAT NO TEACHER HAS CIVIL LIABILITY TO A STUDENT OR TO A PARTY ACTING IN THE INTEREST OF THE STUDENT FOR AN ACT OR OMISSION BY THE TEACHER THAT OCCURS WHILE THE TEACHER IS ACTING ON BEHALF OF THE SCHOOL; AND TO AMEND SECTION 16-3-612, RELATING TO THE OFFENSE OF A STUDENT COMMITTING ASSAULT AND BATTERY AGAINST A PERSON AFFILIATED WITH A SCHOOL IN AN OFFICIAL CAPACITY, SO AS TO REDEFINE INTO THREE OFFENSES WITH SEPARATE PENALTIES FOR EACH, INCLUDING ESTABLISHING THE MOST SERIOUS OFFENSE AS A FELONY.

Referred to Committee on Judiciary

ROLL CALL

The roll call of the House of Representatives was taken resulting as follows:

Agnew	Allen	Allison
Anderson	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	Brantley	G. A. Brown
H. B. Brown	R. L. Brown	Cato
Chalk	Clemmons	Clyburn
Cobb-Hunter	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick
Harrell	Harrison	Hart
Harvin	Hayes	Hearn
Herbkersman	Hiott	Hodges
Horne	Hosey	Howard
Hutto	Jefferson	Kelly
King	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas

[HJ]

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Mack	McEachern	McLeod
Merrill	Miller	Millwood
Mitchell	Moss	Nanney
J. H. Neal	J. M. Neal	Neilson
Ott	Owens	Parker
Parks	Pinson	M. A. Pitts
Rice	Rutherford	Sandifer
Scott	Sellers	Skelton
D. C. Smith	G. M. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stavrinakis	Stringer
Thompson	Toole	Umphlett
Vick	Weeks	Whipper
White	Whitmire	Williams
Willis	Wylie	A. D. Young
T. R. Young		

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Wednesday, February 11.

Chip Huggins	Douglas Jennings
Kenneth Kennedy	Edward H. "Ted" Pitts
Gary Simrill	James E. Stewart
Thad Viers	Terry Alexander

Total Present--123

STATEMENT OF ATTENDANCE

I came in after the roll call and was present for the Session on Tuesday, February 10.

Douglas Jennings

STATEMENT OF ATTENDANCE

Rep. MILLER signed a statement with the Clerk that she came in after the roll call of the House and was present for the Session on Thursday, January 29.

DOCTOR OF THE DAY

Announcement was made that Dr. Leon Hunt of Bishopville was the Doctor of the Day for the General Assembly.

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SPECIAL PRESENTATION

Rep. BRANHAM presented to the House the Carolina Academy Girls Varsity Tennis Team, the 2008 South Carolina Independent Schools Association AA Champions, their coaches and other school officials.

CO-SPONSORS ADDED AND REMOVED

In accordance with House Rule 5.2 below:

"5.2 Every bill before presentation shall have its title endorsed; every report, its title at length; every petition, memorial, or other paper, its prayer or substance; and, in every instance, the name of the member presenting any paper shall be endorsed and the papers shall be presented by the member to the Speaker at the desk. A member may add his name to a bill or resolution or a co-sponsor of a bill or resolution may remove his name at any time prior to the bill or resolution receiving passage on second reading. The member or co-sponsor shall notify the Clerk of the House in writing of his desire to have his name added or removed from the bill or resolution. The Clerk of the House shall print the member's or co-sponsor's written notification in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee."

CO-SPONSOR ADDED

Bill Number: H. 3196
Date: ADD:
02/11/09 DUNCAN

CO-SPONSOR ADDED

Bill Number: H. 3222
Date: ADD:
02/11/09 WYLIE

CO-SPONSOR ADDED

Bill Number: H. 3231
Date: ADD:
02/11/09 BALLENTINE, HALEY, HARRISON, J. E. SMITH,
SELLERS, GOVAN, BANNISTER and
G. M. SMITH

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CO-SPONSOR ADDED

Bill Number: H. 3245
Date: ADD:
02/11/09 BALLENTINE

CO-SPONSOR ADDED

Bill Number: H. 3245
Date: ADD:
02/11/09 FRYE

CO-SPONSOR ADDED

Bill Number: H. 3305
Date: ADD:
02/11/09 HARRELL

CO-SPONSOR ADDED

Bill Number: H. 3305
Date: ADD:
02/11/09 DELLENEY

CO-SPONSOR ADDED

Bill Number: H. 3452
Date: ADD:
02/11/09 FRYE

CO-SPONSOR ADDED

Bill Number: H. 3299
Date: ADD:
02/11/09 FRYE

CO-SPONSOR ADDED

Bill Number: H. 3265
Date: ADD:
02/11/09 BRADY

CO-SPONSOR ADDED

Bill Number: H. 3305
Date: ADD:
02/11/09 GULLICK

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CO-SPONSOR ADDED

Bill Number: H. 3372
Date: ADD:
02/11/09 FORRESTER

CO-SPONSOR ADDED

Bill Number: H. 3128
Date: ADD:
02/11/09 HARDWICK, HEARN, FRYE, SPIRES,
CLEMMONS, HALEY, BALLENTINE, DUNCAN
and TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3352
Date: ADD:
02/11/09 COBB-HUNTER, J. H. NEAL, CLYBURN,
G. M. SMITH, KENNEDY, HERBKERSMAN,
MERRILL, BINGHAM, OTT, J. R. SMITH,
A. D. YOUNG, KIRSH, LUCAS, LITTLEJOHN,
EDGE, LIMEHOUSE, M. A. PITTS and LOFTIS

CO-SPONSOR ADDED

Bill Number: H. 3416
Date: ADD:
02/11/09 MOSS

CO-SPONSOR ADDED

Bill Number: H. 3416
Date: ADD:
02/11/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3164
Date: ADD:
02/11/09 TOOLE

CO-SPONSOR ADDED

Bill Number: H. 3416
Date: ADD:
02/11/09 BINGHAM

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CO-SPONSOR ADDED

Bill Number: H. 3164
Date: ADD:
02/11/09 BINGHAM

CO-SPONSOR ADDED

Bill Number: H. 3245
Date: ADD:
02/11/09 BARFIELD

CO-SPONSOR ADDED

Bill Number: H. 3352
Date: ADD:
02/11/09 D. C. SMITH

CO-SPONSOR ADDED

Bill Number: H. 3352
Date: ADD:
02/11/09 PINSON

CO-SPONSOR REMOVED

Bill Number: H. 3393
Date: REMOVE:
02/11/09 BOWERS

H. 3299--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3299 -- Reps. Sandifer, Harrell, Cato, Thompson, Bedingfield, Bingham, Brady, Gambrell, Harrison, Jennings, Mack, Mitchell, Cooper, Crawford, Alexander, Allison, Anthony, Bales, Bannister, Barfield, Bowers, G. A. Brown, Clemmons, Cobb-Hunter, Duncan, Gullick, Haley, Hayes, Herbkersman, Howard, Huggins, Limehouse, Littlejohn, Lowe, Miller, Ott, Owens, Pinson, M. A. Pitts, J. R. Smith, J. E. Smith, Spires, Toole, Umphlett, White, Anderson, Whitmire, A. D. Young, T. R. Young, Forrester, H. B. Brown, Weeks, Horne, Parker, Skelton, Wylie and Frye: A BILL TO AMEND SECTION 58-9-576, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO ELECTION BY AND DUTIES OF THE LOCAL EXCHANGE CARRIER AND ALTERNATIVE FORMS OF

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REGULATION, SO AS TO ENACT THE "CUSTOMER CHOICE AND TECHNOLOGY INVESTMENT ACT OF 2009".

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\DKA\3144DW09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/Whereas, the technology used to provide communications services has evolved and continues to evolve at an ever-increasing pace; and

Whereas, the resulting competition between traditional telephone service providers, cable companies offering communications services, voice over Internet protocol (VoIP) providers, wireless communications service providers, and other communications service providers promotes and continues to promote additional customer choices for these services; and

Whereas, competition tends to lower prices for competitive services, but in more rural areas it also may have the unintended consequence of adversely impacting the availability of affordable basic local exchange telephone service to all South Carolina citizens; and

Whereas, current state and federal mechanisms for providing universal service funding to carriers of last resort in rural areas have helped to ensure that customers in rural areas continue to have access to basic local exchange telephone service at affordable rates, in furtherance of important state and national telecommunications goals; and

Whereas, traditional telephone service providers remain subject to certain statutory restrictions that do not apply to other communications service providers; and

Whereas, this disparity may deprive customers of traditional telephone services of the full range of timely and competitive options and offerings that otherwise would be available to them; and

Whereas, the General Assembly finds that relaxing certain restrictions will relieve customers of unnecessary costs and burdens, encourage investment, and promote timely deployment of more innovative offerings at more competitive prices for customers; and

Whereas, in order to make the full range of competitive options and offerings available to customers of communications services while maintaining inflation-based price controls for those existing customers who currently receive and wish to continue receiving only stand-alone basic residential lines from traditional telephone companies, and at the

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same time ensuring that customers in rural areas of the State continue to have access to basic local exchange service at affordable rates, the General Assembly hereby enacts the "Customer Choice and Technology Investment Act of 2009". Now, therefore,

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 58-9-576 of the 1976 Code, as last amended by Act 318 of 2006, is further amended by adding:

"(C) Notwithstanding another provision of this chapter, upon the effective date of this subsection, a LEC that is operating pursuant to subsection (B), or a LEC that complies with subsection (A), may elect to have its rates, terms, and conditions for its services determined pursuant to the plan described in this subsection. If at the time of this election the LEC is operating pursuant to subsection (B) above, the election becomes effective five days after the notice of the election is filed with the commission. Otherwise, the election becomes effective in the same manner as provided for in subsection (B)(1).

(1) As used in this subsection:

(a) 'Single-line basic residential service' means single-line residential flat rate basic voice grade local service with touch tone within a traditional local calling area that provides access to available emergency services and directory assistance, the capability to access interconnecting carriers, relay services, access to operator services, and one annual local directory listing (white pages or equivalent).

(b) 'Stand-alone basic residential line' means single line basic residential service that is billed on a billing account that also does not contain another service, feature, or product that is sold by the LEC or an affiliate of the LEC and that is billed on a recurring basis on the LEC's bill.

(c) 'Preelection date' means the date immediately before the effective date of the LEC's election under this subsection.

(d) 'LEC's preelection state USF withdrawal' means the amount of annual distributions or payments the LEC receives from the state USF as of the preelection date.

(e) 'LEC's state USF reduction' means an amount equal to twenty percent of the LEC's preelection state USF withdrawal.

(f) 'LEC's preelection Interim LEC fund withdrawal' means the amount of annual distributions or payments the LEC receives from the Interim LEC Fund as of the preelection date.

(g) 'LEC's Interim LEC fund reduction' means twenty percent of the LEC's preelection Interim LEC fund withdrawal.

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(h) 'LEC' has the same meaning as provided for in Section 58-9-10(12).

(2) Beginning on the date that the LEC's election under this subsection becomes effective, the LEC may increase its rates for its stand-alone basic residential lines that were in service on the preelection date on an annual basis by a percentage that does not exceed the percentage increase over the prior year in the Gross Domestic Product Price Index as reported by the United States Department of Labor, Bureau of Labor Statistics. With the sole exception of ensuring the LEC's compliance with the preceding sentence, the commission may not:

(a) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC's stand-alone basic residential lines that were in service on the preelection date; or

(b) otherwise regulate any of the LEC's stand-alone basic residential lines that were in service on the preelection date.

(3) Except to the extent provided for in item (2), beginning on the date of the LEC's election pursuant to this subsection becoming effective, the commission may not:

(a) impose any requirements related to the terms, conditions, rates, or availability of any of the LEC's retail services; or

(b) otherwise regulate any of the LEC's retail services, including without limitation any stand-alone basic residential lines put into service after the preelection date.

(4) Beginning on the date of the LEC's election pursuant to this subsection becoming effective, the commission may not:

(a) impose any requirements related to the terms, conditions, rates, or availability of any retail interexchange services offered by the LEC or any of its affiliated entities; or

(b) otherwise regulate any of the retail interexchange services of the LEC or any of its affiliates.

(5) The LEC shall continue to file schedules regarding its switched access services as required by Section 58-9-230, but the LEC also may enter into contracts for switched access at rates, terms, and conditions that vary from those schedules. The LEC shall file these contracts with the commission and provide a copy of these contracts to the Office of Regulatory Staff, provided that the LEC may redact this information as is necessary to protect the identity of the other party to the contract from public disclosure. This contract, including without limitation a contract between the LEC and an affiliate of the LEC, must be made available to similarly-situated carriers. Beginning on the date

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that the LEC's election, pursuant to the provisions of this subitem becomes effective, the LEC is not required to file schedules for any of its billing and collection services. Nothing in this subitem otherwise diminishes, and nothing in this subitem expands, the commission's jurisdiction as it exists on the effective date of this subitem over wholesale services, including without limitation switched access services, carrier-to-carrier agreements, and carrier-to-carrier complaints regarding nonretail services.

(6) A LEC's election, pursuant to the provisions of this subsection, does not affect obligations of an incumbent local exchange carrier, as defined by Section 251(h) of the federal Telecommunications Act of 1996, pursuant to Sections 251 and 252 of the federal act or any Federal Communications Commission regulation relating to Sections 251 and 252 of the federal act.

(7) A LEC's election, pursuant to the provisions of this subsection, does not affect the commission's jurisdiction to enforce federal requirements on the LEC's marketing activities. The commission may not adopt, impose, or enforce other requirements on the LEC's marketing activities, including without limitation any requirements of Orders No. 2001-1036 and 2002-2 the South Carolina Public Service Commission entered in Docket No. 2000-378C.

(8) Nothing in this section affects the commission's certification authority pursuant to Section 58-9-280(A) or (B), or the commission's authority under federal or state law to make appropriate determinations with respect to market entry or other matters in areas served by small LECs.

(9) Nothing in this subsection affects an obligation of the LEC and its affiliates to provide contributions to the state USF and Interim LEC fund, and the commission shall ensure that contributions to the state USF and Interim LEC fund, pursuant to the provisions of Section 58-9-280(E), (L), and (M), are maintained at appropriate levels.

(a) For the one-year period beginning on the date of the LEC's election pursuant to this subsection becoming effective, the LEC is entitled to withdraw from the Interim LEC fund an amount equal to the LEC's preelection Interim LEC fund withdrawal less the LEC's Interim LEC fund reduction. For each subsequent one-year period, the amount the LEC is entitled to withdraw from the Interim LEC fund is reduced by the LEC's Interim LEC fund reduction. Beginning at the expiration of the fourth year after the date of the LEC's election pursuant to this subsection becoming effective, the LEC is no longer entitled to withdraw any funds from the Interim LEC fund.

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(b) Except as otherwise provided in subitem (c) of this item, for the one-year period beginning on the date of the LEC's election pursuant to this subsection becoming effective, the LEC is entitled to withdraw from the state USF an amount equal to the LEC's preelection state USF withdrawal less the LEC's state USF reduction. For each subsequent one-year period, the amount the LEC is entitled to withdraw from the state USF is reduced by the LEC's state USF reduction amount. At the end of the fourth year after the date of the LEC's election pursuant to this subsection becoming effective, the LEC is no longer entitled to withdraw any funds from the state USF.

(c) Before the end of the fourth year after the date of the LEC's election pursuant to this subsection becoming effective, the LEC may petition the commission to withdraw from the state USF an amount that differs from the amount determined pursuant to subitem (b) of this item. Upon the filing of this petition, the commission, after notice and opportunity for a hearing, shall determine the amount of distributions or payments from the state USF the LEC is entitled to receive, based only on the LEC's stand-alone basic residential lines that were in service on the preelection date and that remain in service as of the date of the LEC's petition. The commission also shall establish a process for annually reducing the amount of distributions or payments from the state USF based on the LEC's stand-alone basic residential lines that were in service on the preelection date and that remain in service as of the adjustment date.

(d) In addition to any amounts the LEC is entitled to withdraw pursuant to subitems (a), (b), and (c) of this item, the LEC also is entitled to withdraw from the state USF all amounts needed to fund any state Lifeline match that is necessary to ensure that persons enrolled in the Lifeline program receive the maximum federally-funded Lifeline credit amounts available, including without limitation federal baseline credit amounts and federal supplemental credit amounts.

(10) For those LECs that have not elected to have rates, terms, and conditions for their services determined pursuant to the plan described in this subsection, the Interim LEC fund and state USF shall continue to operate in accordance with Sections 58-9-280(E), (L), and (M).

(11)(a) In order to transition to the changes effectuated by items (2), (3), and (4), the rates, terms, and conditions for products and services no longer subject to regulation by the commission which were in effect with a specific term on the preelection date remain in effect for the duration of the specific term as to customers who subscribed to

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those products or services on or before the preelection date. If no term applied to the products or services as of the preelection date, then the rates, terms, and conditions governing those products or services remain in effect until a written customer service agreement becomes effective as provided for in subitem (b) of this item.

(b) Except as provided in subitem(a) of this item, the LEC, and the LEC's affiliates offering interexchange services, shall offer existing and new customers a written customer service agreement, which in the case of new customers must be delivered no later than thirty days after the initiation of service. The customer service agreement must include a provision advising the customer that he has thirty days from receipt in which to elect to:

(i) terminate service with the LEC or the LEC's affiliates offering interexchange services by contacting the entity within the thirty-day time period, in which case the customer has the right to pay off the account in the same manner and under the same rates, terms, and conditions as set forth in the written customer service agreement provided to the customer, which written customer service agreement must relate back in its entirety to the date of a new customer's request for service or the date the agreement was sent to an existing customer, as applicable, and is in effect until termination through pay off. The written customer service agreement must not impose termination charges, transfer charges, or similar charges or limitations that did not apply to the customer's service on the preelection date; or

(ii) use the services of the LEC or the LEC's affiliates offering interexchange services, or to otherwise continue the account with the LEC or the LEC's affiliates offering interexchange services after the thirty-day time period has elapsed, either of which constitutes the customer's assent to all the rates, terms, and conditions of the written customer service agreement. The written customer service agreement must not impose a term commitment, termination charges, transfer charges, or similar charges or limitations that did not apply to the customer's service on the preelection date. The customer service agreement is deemed received three business days after deposit in the United States mail, first-class delivery.

(12) The LEC's assessments pursuant to Sections 58-3-100, 58-3-540, and 58-4-60, and the assessments of the LEC's affiliates offering interexchange services pursuant to Sections 58-3-100, 58-3-540, and 58-4-60, continues to be based upon gross income from operation in this State in the same manner as such assessments were calculated before the effective date of this subsection."

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SECTION 2. This act takes effect upon approval by the Governor. /
Renumber sections to conform.
Amend title to conform.

The amendment was then adopted.

Rep. SANDIFER proposed the following Amendment No. 2 (COUNCIL\DKA\3156DW09), which was adopted:

Amend the bill, as and if amended, Section 58-9-576(C)(5), SECTION 1, page [3299-4], line 27, by striking / This contract / and inserting / These contracts / .

Renumber sections to conform.

Amend title to conform.

Rep. THOMPSON explained the amendment.

The amendment was then adopted.

The Bill, as amended, was read the second time and ordered to third reading.

ORDERED TO THIRD READING

The following Bills and Joint Resolution were taken up, read the second time, and ordered to a third reading:

H. 3452 -- Reps. Bannister, Bales, Crawford, Limehouse, G. M. Smith, J. E. Smith and Frye: A BILL TO AMEND SUBARTICLE 11, ARTICLE 3, CHAPTER 6, TITLE 61, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO REGULATION OF MANUFACTURERS OF ALCOHOLIC LIQUORS, SO AS TO INCLUDE REGULATION OF MICRO-DISTILLERS OF ALCOHOLIC LIQUORS ON LICENSED PREMISES, TO DEFINE NECESSARY TERMS, TO PROVIDE A BIENNIAL DISTILLERY LICENSE FEE, TO PROVIDE PROCEDURES FOR WHO MAY OBTAIN A LICENSE, TO PROVIDE RESTRICTIONS ON THE LICENSE, TO PROVIDE FOR APPLICATIONS FOR TASTINGS AND LIMITATIONS ON TASTINGS, AND TO PROVIDE A PENALTY FOR PERSONS WHO VIOLATE THE PROVISIONS OF THE SUBARTICLE.

Rep. BANNISTER explained the Bill.

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H. 3457 -- Reps. Ott, Govan, Cobb-Hunter, Harrell and Sellers: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING ARTICLE 24 TO CHAPTER 53, TITLE 59 SO AS TO PROVIDE FOR THE ORANGEBURG-CALHOUN TECHNICAL COLLEGE ENTERPRISE CAMPUS, AND TO PROVIDE FOR ITS POWERS AND DUTIES.

H. 3463 -- Reps. G. R. Smith, Bannister and Hiott: A BILL TO AMEND SECTION 56-7-20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO HANDWRITTEN AND ELECTRONIC TRAFFIC TICKETS, SO AS TO DELETE THE PROVISIONS THAT REQUIRE ELECTRONIC TRAFFIC TICKETS TO BE PRINTED IN SPECIFIC COLORS.

Rep. G. R. SMITH explained the Bill.

H. 3295 -- Reps. Hamilton, Allen, Bedingfield, Cato, Dillard, Nanney, Stringer and Wylie: A JOINT RESOLUTION TO PROVIDE THAT THE SCHOOL DAY MISSED ON JANUARY 8, 2009, BY THE STUDENTS OF PARIS ELEMENTARY SCHOOL, TAYLORS ELEMENTARY SCHOOL, AND SEVIER MIDDLE SCHOOL WHEN THE SCHOOLS WERE CLOSED DUE TO A POWER OUTAGE IS EXEMPT FROM THE MAKE-UP REQUIREMENT THAT FULL SCHOOL DAYS MISSED DUE TO SNOW, EXTREME WEATHER, OR OTHER DISRUPTIONS BE MADE UP.

Rep. WHITMIRE explained the Joint Resolution.

OBJECTION TO RECALL

Rep. HART asked unanimous consent to recall H. 3056 from the Committee on Labor, Commerce and Industry.

Rep. THOMPSON objected.

H. 3222--INTERRUPTED DEBATE

The following Concurrent Resolution was taken up:

H. 3222 -- Reps. Bedingfield, Gullick, Erickson, Crawford, Duncan, Allison, Ballentine, Cato, Forrester, Hamilton, Harrell, Harrison, Horne, Kelly, Littlejohn, Millwood, Nanney, E. H. Pitts, M. A. Pitts, Rice, D. C. Smith, G. R. Smith, J. R. Smith, Stringer, A. D. Young, T. R. Young, Daning, Owens, Umphlett and Wylie: A CONCURRENT

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RESOLUTION MEMORIALIZING THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO OPPOSE LEGISLATION THAT DISENFRANCHISES SOUTH CAROLINA WORKERS BY REMOVING THEIR RIGHT TO A PRIVATE BALLOT UNION ELECTION.

Rep. BEDINGFIELD explained the Resolution.

Rep. KENNEDY spoke against the Resolution.

Rep. COBB-HUNTER spoke against the Resolution.

Rep. DUNCAN moved cloture on the entire matter.

Rep. DUNCAN demanded the yeas and nays which were taken, resulting as follows:

Yeas 71; Nays 47

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Brady	Cato
Chalk	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Duncan	Edge
Erickson	Forrester	Frye
Gambrell	Haley	Hamilton
Hardwick	Harrell	Harrison
Hearn	Herbkersman	Hiott
Horne	Huggins	Kelly
Kirsh	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Moss
Nanney	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	D. C. Smith
G. M. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stewart
Stringer	Thompson	Toole
Umphlett	Viers	White

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Whitmire	Willis	Wylie
A. D. Young	T. R. Young	

Total--71

Those who voted in the negative are:

Agnew	Allen	Anderson
Anthony	Bales	Battle
Bowers	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Clyburn	Cobb-Hunter	Dillard
Funderburk	Gilliard	Govan
Gunn	Hart	Harvin
Hayes	Hodges	Hosey
Howard	Hutto	Jefferson
Jennings	Kennedy	King
Knight	Mack	McEachern
McLeod	Miller	Mitchell
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	Rutherford
Sellers	J. E. Smith	Weeks
Whipper	Williams	

Total--47

So, cloture was ordered.

Further proceedings were interrupted by the Joint Assembly, the pending question being the adoption of the Concurrent Resolution, cloture having been ordered.

JOINT ASSEMBLY

At 12:00 noon the Senate appeared in the Hall of the House. The President of the Senate called the Joint Assembly to order and announced that it had convened under the terms of a Concurrent Resolution adopted by both Houses.

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**ELECTION OF A COURT OF APPEALS JUDGE, CIRCUIT
COURT JUDGES, FAMILY COURT JUDGES AND AN
ADMINISTRATIVE LAW JUDGE**

The Reading Clerk of the House read the following Concurrent Resolution:

H. 3225 -- Reps. Delleney, Clemmons and Mack: A CONCURRENT RESOLUTION TO FIX NOON ON WEDNESDAY, FEBRUARY 11, 2009, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN CHIEF JUDGE OF THE COURT OF APPEALS, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIRST JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE EIGHTH JUDICIAL CIRCUIT, SEAT 2, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2012; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE NINTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT FOR THE FIFTEENTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 2, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 3, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 4, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT

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COURT, AT-LARGE, SEAT 5, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 6, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2009, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 7, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 8, WHOSE TERM EXPIRES JUNE 20, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 9, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT-LARGE, SEAT 10, WHOSE TERM EXPIRES JUNE 30, 2009; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE TENTH JUDICIAL CIRCUIT, SEAT 1, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2013; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT FOR THE THIRTEENTH JUDICIAL CIRCUIT, SEAT 6, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2016; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, TO FILL THE UNEXPIRED TERM THAT EXPIRES JUNE 30, 2010, AND THE SUBSEQUENT FULL TERM THAT EXPIRES JUNE 30, 2015.

The PRESIDENT recognized Senator McConnell, Chairman of the Judicial Merit Selection Commission.

COURT OF APPEALS JUDGE, SEAT 5

The PRESIDENT announced that nominations were in order for a Court of Appeals Judge, Seat 5.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Kaye G. Hearn had been screened, found qualified, and placed her name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Kaye G. Hearn was duly elected for the term prescribed by law.

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STATEMENT FOR HOUSE JOURNAL

**ABSTENTION FROM VOTING
BASED ON POTENTIAL CONFLICT OF INTEREST**

In accordance with **§8-13-700(B) of the S.C. Code**, I abstained from voting on the below referenced election because of a potential conflict of interest and wish to have my recusal noted for the record in the House Journal of this date:

Court of Appeals Seat 5

The reason for abstaining on the above referenced legislation is:

A potential conflict of interest may exist in that an economic interest of myself, an immediate family member, or an individual or business with which I am associated may be affected in violation of **S.C. Code §8-13-700(B)**.

Rep. George M. Hearn

**CIRCUIT COURT JUDGE, FIFTH JUDICIAL CIRCUIT,
SEAT 3**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Fifth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidate had been screened and found qualified, Judge Thomas G. Cooper.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Thomas G. Cooper was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, NINTH JUDICIAL CIRCUIT,
SEAT 3**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Ninth Judicial Circuit, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Roger M. Young had been screened, found qualified, and placed his name in nomination.

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On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Roger M. Young was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, FOURTEENTH JUDICIAL
CIRCUIT, SEAT 2**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Fourteenth Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Carmen Tevis Mullen had been screened, found qualified, and placed her name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Carmen Tevis Mullen was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, FIFTEENTH JUDICIAL CIRCUIT,
SEAT 2**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, Fifteenth Judicial Circuit, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Benjamin H. Culbertson had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Benjamin H. Culbertson was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 2

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 2.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Rupert Markley Dennis, Jr., had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

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Whereupon, the Honorable Rupert Markley Dennis, Jr., was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 3

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 3.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Clifton Newman had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Clifton Newman was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 4

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 4.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Edward W. Miller had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Edward W. Miller was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 5

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 5.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable J. Mark Hayes II had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable J. Mark Hayes II was duly elected for the term prescribed by law.

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CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 7

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 7.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Jesse Cordell Maddox, Jr., had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Jesse Cordell Maddox, Jr., was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 8,
CARRIED OVER**

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 8.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable Kenneth G. Goode had been screened, found qualified, and placed his name in nomination.

Senator McConnell was recognized and addressed the members of the Joint Assembly.

On motion of Senator McConnell, the following letter from Judge Goode was published as follows:

State of South Carolina
The Circuit Court of the Sixth Judicial Circuit
Kenneth G. Goode, Judge
February 11, 2009

The Honorable Glenn McConnell
Chairman, Judicial Selection Committee

RE: Candidacy for Reelection to Judgeship

Dear Senator McConnell:

I have read with concern the article in today's State newspaper concerning my candidacy for reelection. I understand the nature of the allegations which have been made. I further understand the allegations against me have arisen since the time of my judicial screening.

While I believe my decisions have been sound and appropriate in

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the cases reported on by the newspaper, I am also convinced it is totally unfair to the Legislature for me to ask to be voted upon with the allegations pending and with the allegations not having been fully reviewed by the screening committee.

As you are aware, judicial ethics prevent me from publicly responding to the allegations reported in the newspaper. I find myself in a situation where I cannot do anything to refute the allegations and where the Legislature is being asked to vote upon my candidacy in the face of allegations which have not been considered by the screening panel.

It is important to me that all of the facts be known before I am voted upon. I am convinced when the facts are reviewed my conduct will be found to have been appropriate in all of the cases reported upon in the newspaper.

The integrity of the judicial system demands that I not be voted upon at this time. The issues raised in my opinion go to the integrity of the process and are much greater than the issue of my personal candidacy.

In order that this matter be resolved in fairness to all concerned and in fairness to the Legislature, I ask that my candidacy be carried over and be resubmitted to the Judicial Screening Committee for full review. I look forward to this process to prove to the citizens of this great state that my judicial qualifications are beyond reproach.

I thank you and the members of the General Assembly for considering this request. I am available at the State House today should anyone have any questions for me or if I can provide any assistance whatsoever.

Yours very truly,
Kenneth G. Goode

Senator Fair moved that the election to fill the position of Judge, Circuit Court, At-Large, Seat 8, be carried over and the candidacy of Judge Goode be referred to the Judicial Screening Committee.

The motion was adopted.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 9

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 9.

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Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable J. Michelle Childs had been screened, found qualified, and placed her name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable J. Michelle Childs was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE SEAT, SEAT 10

The PRESIDENT announced that nominations were in order for a Circuit Court Judge, At-Large Seat, Seat 10.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the Honorable James R. Barber III had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable James R. Barber III was duly elected for the term prescribed by law.

**CIRCUIT COURT JUDGE, FIRST JUDICIAL CIRCUIT,
SEAT 1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, First Judicial Circuit, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Jeffrey P. Bloom, Edgar Warren Dickson and James Benjamin Jackson, Jr.

Senator McConnell stated that Jeffrey P. Bloom and James Benjamin Jackson, Jr., had withdrawn from the race, and placed the name of the remaining candidate, Edgar Warren Dickson in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Edgar Warren Dickson was duly elected for the term prescribed by law.

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**CIRCUIT COURT JUDGE, EIGHTH JUDICIAL CIRCUIT,
SEAT 2**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, Eighth Judicial Circuit, Seat 2.

Senator McConnell, on behalf of Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: the Honorable Frank R. Addy, Jr., Eugene C. Griffith, Jr. and Joseph C. Smithdeal.

Senator McConnell stated that the Honorable Frank R. Addy, Jr., and Joseph C. Smithdeal had withdrawn from the race, and placed the name of the remaining candidate, Eugene C. Griffith, Jr., in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Eugene C. Griffith, Jr., was duly elected for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE, SEAT 1

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, At-Large, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: David Craig Brown, Andrew Michael Hodges and the Honorable William Jeffrey Young.

Senator McConnell stated Andrew Michael Hodges and David Craig Brown had withdrawn from the race, and placed the name of the remaining candidate, the Honorable William Jeffrey Young in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the PRESIDENT announced that the Honorable William Jeffrey Young had been elected to the position of Judge, Circuit Court, At-Large, Seat 1 for the term prescribed by law.

CIRCUIT COURT JUDGE, AT-LARGE, SEAT 6

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Circuit Court, At-Large, Seat 6.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened

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and found qualified: Daniel Dewitt Hall, William Henry Seals, Jr. and Sarah Elizabeth Wetmore.

Senator McConnell stated that Daniel Dewitt Hall had withdrawn from the race, and placed the names of the remaining candidates, William Henry Seals, Jr., and Sarah Elizabeth Wetmore in nomination.

The Reading Clerk of the Senate called the roll of the Senate, and the Senators voted *viva voce* as their names were called.

The following named Senators voted for Seals:

Alexander	Bright	Bryant
Cleary	Courson	Cromer
Davis	Elliott	Fair
Jackson	Land	Leatherman
Lourie	Malloy	<i>Martin, L.</i>
<i>Martin, S.</i>	McGill	Mulvaney
Nicholson	O'Dell	Peeler
Pinckney	Rankin	Reese
Rose	Scott	Sheheen
Shoopman	Thomas	Verdin
Williams		

Total--31

The following named Senators voted for Wetmore:

Anderson	Campbell	Campsen
Coleman	Ford	Grooms
Hayes	Hutto	Knotts
Leventis	Massey	McConnell
Ryberg	Setzler	

Total--14

On motion of Representative J. H. NEAL, with unanimous consent, the members of the House voted by electronic roll call.

The following named Representatives voted for Seals:

Alexander	Allen	Anderson
Anthony	Bales	Barfield
Battle	Bedingfield	Bowers
Branham	Brantley	G. A. Brown
H. B. Brown	Cato	Clemmons

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Clyburn	Cobb-Hunter	Cole
Crawford	Delleney	Dillard
Gambrell	Govan	Haley
Hardwick	Harvin	Hayes
Hearn	Hiott	Howard
Jefferson	Jennings	Kirsh
Littlejohn	Lowe	Lucas
McEachern	McLeod	Miller
Mitchell	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Pinson	Sandifer	G. R. Smith
J. R. Smith	Vick	White
Williams		

Total--52

The following named Representatives voted for Wetmore:

Agnew	Allison	Ballentine
Bannister	Bingham	Bowen
Brady	R. L. Brown	Chalk
Cooper	Daning	Duncan
Edge	Erickson	Forrester
Frye	Funderburk	Gilliard
Gullick	Gunn	Hamilton
Harrell	Harrison	Hart
Herbkersman	Hodges	Horne
Hosey	Huggins	Hutto
Kelly	Kennedy	King
Knight	Limehouse	Loftis
Long	Mack	Merrill
Millwood	Moss	Nanney
Parker	E. H. Pitts	M. A. Pitts
Rice	Rutherford	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. M. Smith	Sottile
Spires	Stavrinakis	Stewart
Stringer	Umphlett	Viers
Weeks	Whipper	Whitmire

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Willis Wylie A. D. Young
T. R. Young

Total--67

RECAPITULATION

Total number of Senators voting.....	45
Total number of Representatives voting.....	119
Grand Total.....	164
Necessary to a choice.....	83
Of which Mr. Seals received.....	83
Of which Ms. Wetmore received.....	81

Whereupon, the PRESIDENT announced that the Honorable William Henry Seals, Jr., had been elected to the position of Judge, Circuit Court, At-Large, Seat 6 for the term prescribed by law.

**FAMILY COURT JUDGE, TENTH JUDICIAL CIRCUIT,
SEAT 1**

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Family Court, Tenth Judicial Circuit, Seat 1.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Edgar Henderson Long, Jr., M. Scott McElhannon and David Earl Phillips.

Senator McConnell stated that M. Scott McElhannon and David Earl Phillips had withdrawn from the race, and placed the name of the remaining candidate, Edgar Henderson Long, Jr., in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Edgar Henderson Long, Jr., was duly elected for the term prescribed by law.

**FAMILY COURT JUDGE, THIRTEENTH JUDICIAL CIRCUIT,
SEAT 6**

The PRESIDENT announced that nominations were in order for a Family Court Judge, Seat 6.

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Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that Alex Kinlaw, Jr., had been screened, found qualified, and placed his name in nomination.

On motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation, resulting in the election of the nominee.

Whereupon, the Honorable Alex Kinlaw, Jr., was duly elected for the term prescribed by law.

ADMINISTRATIVE LAW COURT JUDGE, SEAT 4

The PRESIDENT announced that nominations were in order to elect a successor to the position of Judge, Administrative Law Court, Seat 4.

Senator McConnell, on behalf of the Judicial Merit Selection Commission, stated that the following candidates had been screened and found qualified: Deborah Brooks Durden, Carol Ann Isaac McMahan and Shirley Canty Robinson.

Senator McConnell stated that Carol Ann Isaac McMahan and Shirley Canty Robinson had withdrawn from the race, and placed the name of the remaining candidate, Deborah Brooks Durden, in nomination.

On the motion of Senator McConnell, nominations were closed, and with unanimous consent, the vote was taken by acclamation resulting in the election of the nominee.

Whereupon, the Honorable Deborah Brooks Durden was duly elected for the term prescribed by law.

JOINT ASSEMBLY RECEDES

The purposes of the Joint Assembly having been accomplished, the PRESIDENT announced that under the terms of the Concurrent Resolution the Joint Assembly would recede from business.

The Senate accordingly retired to its Chamber.

Rep. GOVAN moved that the House recede until 2:00 p.m., which was agreed to.

THE HOUSE RESUMES

At 2:00 p.m. the House resumed, Acting Speaker HIOTT in the Chair.

POINT OF QUORUM

The question of a quorum was raised.

A quorum was later present.

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SPEAKER IN CHAIR

H. 3222--DEBATE ADJOURNED

Rep. BEDINGFIELD moved to adjourn debate upon the following Concurrent Resolution until Thursday, February 12, which was adopted:

H. 3222 -- Reps. Bedingfield, Gullick, Erickson, Crawford, Duncan, Allison, Ballentine, Cato, Forrester, Hamilton, Harrell, Harrison, Horne, Kelly, Littlejohn, Millwood, Nanney, E.H. Pitts, M.A. Pitts, Rice, D.C. Smith, G.R. Smith, J.R. Smith, Stringer, A.D. Young, T.R. Young, Daning, Owens, Umphlett and Wylie: A CONCURRENT RESOLUTION MEMORIALIZING THE SOUTH CAROLINA CONGRESSIONAL DELEGATION TO OPPOSE LEGISLATION THAT DISENFRANCHISES SOUTH CAROLINA WORKERS BY REMOVING THEIR RIGHT TO A PRIVATE BALLOT UNION ELECTION.

H. 3401--ADOPTED AND SENT TO THE SENATE

The following Concurrent Resolution was taken up:

H. 3401 -- Reps. Willis, M. A. Pitts and Duncan: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME RAIDER ROAD (5-30-497) IN LAURENS COUNTY "JOHN K. HENDRICKS, JR. MEMORIAL MILE", AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS ROAD THAT CONTAIN THE WORDS "JOHN K. HENDRICKS, JR. MEMORIAL MILE".

The Concurrent Resolution was adopted and sent to the Senate.

S. 274--ADOPTED AND SENT TO THE SENATE

The following Concurrent Resolution was taken up:

S. 274 -- Senator Williams: A CONCURRENT RESOLUTION TO REQUEST THAT THE DEPARTMENT OF TRANSPORTATION NAME THE PORTION OF SOUTH CAROLINA HIGHWAY 9 IN DILLON COUNTY FROM ITS INTERSECTION WITH HIGHWAY 57 TO 2725 HIGHWAY 9 WEST AS THE "REVEREND RICHARD 'DICK' ALDERMAN HIGHWAY" AND ERECT APPROPRIATE MARKERS OR SIGNS ALONG THIS PORTION OF HIGHWAY

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THAT CONTAIN THE WORDS "REVEREND RICHARD 'DICK' ALDERMAN HIGHWAY".

The Concurrent Resolution was adopted and sent to the Senate.

MOTION PERIOD

The motion period was dispensed with on motion of Rep. SANDIFER.

H. 3301--AMENDED AND ORDERED TO THIRD READING

The following Bill was taken up:

H. 3301 -- Reps. Harrell, Cato, Sandifer, Sellers, Neilson, Erickson, Bannister, Bedingfield, Merrill, Mitchell, Anthony, Bingham, Huggins, Vick, Cooper, Chalk, J. R. Smith, Willis, Gilliard, Allison, Anderson, Bales, Barfield, Battle, Bowers, Brady, G. A. Brown, H. B. Brown, Cole, Daning, Duncan, Edge, Forrester, Gambrell, Gullick, Hamilton, Hayes, Herbkersman, Hiott, Jefferson, Kelly, Kirsh, Knight, Limehouse, Littlejohn, Long, Lowe, Lucas, Miller, Millwood, Nanney, Ott, Owens, Parker, Pinson, E. H. Pitts, M. A. Pitts, Scott, Simrill, Skelton, D. C. Smith, G. R. Smith, Sottile, Spires, Stewart, Stringer, Thompson, Toole, Umphlett, White, Whitmire, Wylie, A. D. Young and T. R. Young: A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 34-39-175 SO AS TO REQUIRE THE CONSUMER FINANCE DIVISION OF THE BOARD OF FINANCIAL INSTITUTIONS TO IMPLEMENT A REAL-TIME INTERNET ACCESSIBLE DATABASE FOR DEFERRED PRESENTMENT PROVIDERS TO VERIFY IF DEFERRED PRESENTMENT TRANSACTIONS ARE OUTSTANDING FOR A PARTICULAR PERSON; BY ADDING SECTION 34-39-270 SO AS TO PROHIBIT A DEFERRED PRESENTMENT PROVIDER FROM ENTERING INTO A DEFERRED PRESENTMENT TRANSACTION WITH A PERSON WHO HAS AN OUTSTANDING DEFERRED PRESENTMENT TRANSACTION OR WHO HAS ENTERED INTO AN EXTENDED PAYMENT PLAN AGREEMENT AND TO REQUIRE A DEFERRED PRESENTMENT PROVIDER TO VERIFY WHETHER AN INDIVIDUAL IS ELIGIBLE TO ENTER INTO A DEFERRED PRESENTMENT TRANSACTION; BY ADDING SECTION 34-39-280 SO AS TO REQUIRE THOSE APPLYING FOR LICENSES TO ENGAGE IN THE BUSINESS OF DEFERRED PRESENTMENT TO PROVIDE CERTAIN INFORMATION REGARDING EXTENDED

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PAYMENT PLANS; TO AMEND SECTION 34-39-130, RELATING TO LICENSURE REQUIREMENTS FOR DEFERRED PRESENTMENT PROVIDERS, SO AS TO PROHIBIT A PERSON FROM ENGAGING IN THE BUSINESS OF DEFERRED PRESENTMENT SERVICES WITH A RESIDENT OF SOUTH CAROLINA EXCEPT IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 39, TITLE 34; TO AMEND SECTION 34-39-180, RELATING TO DEFERRED PRESENTMENT RESTRICTIONS AND REQUIREMENTS, SO AS TO PROVIDE THAT THE TOTAL AMOUNT ADVANCED TO A CUSTOMER FOR DEFERRED PRESENTMENT OR DEPOSIT, EXCLUSIVE OF PERMISSIBLE FEES, MAY NOT EXCEED SIX HUNDRED DOLLARS.

Rep. HART moved to recommit the Bill to the Committee on Labor, Commerce and Industry.

Rep. SANDIFER moved to table the motion.

Rep. HART demanded the yeas and nays which were taken, resulting as follows:

Yeas 75; Nays 18

Those who voted in the affirmative are:

Allison	Anthony	Bales
Ballentine	Barfield	Bedingfield
Bingham	Bowen	Bowers
Brady	G. A. Brown	H. B. Brown
Cato	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Duncan
Erickson	Forrester	Frye
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Hayes	Herbkersman
Horne	Kelly	Kirsh
Knight	Littlejohn	Long
Lowe	Mack	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	J. M. Neal
Neilson	Ott	Owens

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Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Sellers	Skelton
D. C. Smith	G. R. Smith	J. R. Smith
Sottile	Spires	Stringer
Thompson	Toole	Umphlett
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--75

Those who voted in the negative are:

Alexander	Allen	Brantley
R. L. Brown	Clyburn	Funderburk
Gunn	Hart	Harvin
Hodges	Hosey	Howard
Hutto	Jefferson	Kennedy
King	McLeod	Whipper

Total--18

So, the motion to recommit the Bill was tabled.

Rep. HART moved to continue the Bill.

Rep. A. D. YOUNG demanded the yeas and nays which were taken, resulting as follows:

Yeas 14; Nays 86

Those who voted in the affirmative are:

Agnew	Brantley	R. L. Brown
Clyburn	Funderburk	Gunn
Hart	Harvin	Hodges
Hosey	Hutto	Kennedy
King	McEachern	

Total--14

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Those who voted in the negative are:

Allen	Allison	Anthony
Bales	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Duncan
Erickson	Forrester	Frye
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Hayes	Herbkersman
Hiott	Horne	Jefferson
Kelly	Kirsh	Knight
Littlejohn	Long	Lowe
Lucas	Mack	Miller
Millwood	Mitchell	Moss
Nanney	J. H. Neal	J. M. Neal
Neilson	Ott	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Rutherford
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. E. Smith	J. R. Smith
Sottile	Spires	Stringer
Thompson	Toole	Umphlett
Vick	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

Total--86

So, the House refused to continue the Bill.

Rep. HART moved to adjourn debate on the Bill.

Rep. SANDIFER moved to table the motion.

Rep. ALLISON demanded the yeas and nays which were taken,
resulting as follows:

Yeas 84; Nays 18

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Those who voted in the affirmative are:

Allison	Anthony	Bales
Ballentine	Bannister	Barfield
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Clemmons	Cole
Cooper	Crawford	Daning
Delleney	Dillard	Duncan
Erickson	Forrester	Frye
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Hayes	Herbkersman
Hiott	Horne	Jefferson
Kelly	Kirsh	Knight
Littlejohn	Long	Lowe
Lucas	Mack	Miller
Millwood	Mitchell	Moss
Nanney	J. M. Neal	Neilson
Ott	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Sellers	Simrill	Skelton
D. C. Smith	G. R. Smith	J. E. Smith
J. R. Smith	Sottile	Spires
Stringer	Thompson	Toole
Umphlett	Vick	White
Whitmire	Williams	Willis
Wylie	A. D. Young	T. R. Young

Total--84

Those who voted in the negative are:

Agnew	Allen	R. L. Brown
Clyburn	Funderburk	Gunn
Hart	Harvin	Hodges
Hosey	Hutto	Kennedy
King	McEachern	McLeod
J. H. Neal	Weeks	Whipper

Total--18

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So, the House refused to adjourn debate.

The Labor, Commerce and Industry Committee proposed the following Amendment No. 1 (COUNCIL\MS\7164ZW09), which was adopted:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-175. (A) In order to prevent a person from having more than one deferred presentment transaction at any one time, the Consumer Finance Division of the Board of Financial Institutions shall implement a common database with real-time access through an Internet connection for deferred presentment providers, as provided in this subsection. The board shall enter into a contract with a single source private vendor to develop and operate the database. By no later than February 1, 2010, the database must be accessible to the board and the deferred presentment providers to meet the requirements of this act and verify if deferred presentment transactions are outstanding for a particular person. Deferred presentment providers shall submit that data before entering into a deferred presentment transaction and once a deferred presentment transaction has been paid in full, in a format the board requires by regulation including the drawer’s name, social security number or employment authorization alien number, address, driver’s license number, amount of the transaction, date of transaction, the date that the transaction is closed, and additional information required by the board. The database provider may impose the database verification fee authorized by Section 34-39-270(G) for data required to be submitted by a licensee. The board may adopt procedures to administer and enforce the provisions of this section and to ensure that the database is used by licensees in accordance with this section.

(B) The information provided in the database is limited for the use in determining if a customer is eligible or ineligible to enter into a new deferred presentment transaction and to describe the reason for the determination of eligibility or ineligibility.”

SECTION 2. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-270. (A) A licensee may not enter into a deferred presentment transaction with a person:

(1) who has an outstanding deferred presentment transaction with any licensee; or

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(2) who has entered into an extended payment plan agreement with any licensee as provided in Section 34-39-280 which has not been paid in full or terminated.

(B) Before entering into a deferred presentment transaction with a person, a licensee shall verify whether the person is eligible to enter into the transaction by accessing the deferred presentment transaction database established pursuant to subsection (C).

(C) The board shall contract with a single third party database provider to establish and operate a deferred presentment transaction database for the purpose of verifying whether a person is eligible to enter into a deferred presentment transaction. The board shall supervise the establishment and operation of the database and shall ensure that the database provider establishes and operates the database pursuant to the provisions of this section. The board shall have full access to the database and all records related to the database for purposes of supervising the establishment and operation of the database. If the database provider violates a provision of this section, the board shall terminate the contract and immediately substitute another qualified third party database provider. The database must have real-time access through an internet connection and be accessible at all times to the board and licensees. The database provider shall establish and maintain a process for responding to transaction verification requests when technical difficulties prevent the licensee from accessing the database through the Internet including, but not limited to, verification by telephone. The database must be established and operated so as to prevent a licensee from entering into a transaction that violates the provisions of this section.

(D) To conduct an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, a licensee shall submit to the database provider such information as the board may require. The response to an inquiry to the database provider by a licensee must state only that a person is eligible or ineligible to enter into a transaction and describe the reason for that determination. The person seeking to enter into the transaction may make a direct inquiry to the database provider to request a more detailed explanation of the basis for the database provider's determination that the person is ineligible to enter into the transaction.

(E) A licensee shall notify the database provider immediately when the licensee enters into a deferred presentment transaction with a person. The licensee shall submit to the database provider such information as the board requires. When the transaction is paid in full

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the licensee shall designate the transaction as closed and immediately notify the database provider. When the database provider receives notification that the transaction is paid in full the database provider immediately shall designate the transaction as paid in full in the database.

(F) A licensee shall notify a person seeking to enter into a deferred presentment transaction that the licensee shall access the database to verify whether the person is eligible to enter into a transaction. The licensee also shall notify the person that information related to a new transaction must be entered into the database.

(G) The database provider may charge a database verification fee to a licensee for an inquiry as to whether a person is eligible to enter into a deferred presentment transaction, if that transaction is consummated by the licensee. The fee must be established by the board as the actual cost of verifying a person's eligibility, not to exceed one dollar. A licensee may charge a person seeking to enter into a deferred presentment transaction one-half of the actual cost of the verification fee.

(H) Except as otherwise provided in this section, all personally identifiable information regarding a person contained within or obtained by way of the database is strictly confidential and is exempt from disclosure under the Freedom of Information Act. The database provider and licensees shall use the information collected pursuant to this section only as prescribed in this section and for no other purpose.

(I) A licensee may rely on the information contained in the database as accurate and is not subject to an administrative penalty or civil liability as a result of relying on inaccurate information contained in the database.

Section 34-39-280. (A) At the time of application or renewal of a license to engage in the business of deferred presentment, every licensee must provide to the Consumer Finance Division for approval an extended payment plan to be offered for a customer who is unable to repay a deferred presentment transaction when originally due. No license may be granted unless the division approves an extended payment plan for the licensee.

(B) If, before the due date of a deferred presentment transaction, a customer notifies the licensee with which the customer has a deferred presentment transaction that the customer is unable to repay the deferred presentment transaction when due, the licensee must provide to the customer the right to repay the deferred presentment transaction

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under the terms and conditions of the extended payment plan as approved by the division.

(C) If a customer enters into an extended repayment plan, the licensee must enter that information into the database established in Section 34-39-175, and the customer and a licensee is prohibited from entering into a subsequent deferred presentment transaction until repayment in full of the original deferred presentment transaction.

(D) The Consumer Finance Division may not approve any extended payment plan which provides for any additional fee for the use by the customer of the extended payment plan nor may any licensee require any additional fee to a customer for the use of any extended payment plan”

SECTION 3. Section 34-39-130 of the 1976 Code, as added by Act 433 of 1998, is amended by adding at the end:

“(C) A person may not engage in the business of deferred presentment services with a customer residing in this State, whether or not that person has a location in South Carolina, except in accordance with the provisions of this chapter and without having first obtained a license pursuant to this chapter.”

SECTION 4. Section 34-39-180(B) of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“(B) The ~~face total~~ amount of a check taken advanced to a customer for deferred presentment or deposit ~~may not exceed three hundred dollars~~, exclusive of the fees allowed in Section 34-39-180(E), may not exceed six hundred dollars. A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by the customer.”

SECTION 5. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 6. SECTIONS 2, 3, and 4 of this act take effect upon implementation of the common database as required in SECTION 1. The remaining SECTIONS of this act take effect upon approval by the Governor. /

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Renumber sections to conform.
Amend title to conform.

Rep. MACK explained the amendment.
The amendment was then adopted.

Rep. KING proposed the following Amendment No. 2 (COUNCIL\GGS\22219MM09), which was tabled:

Amend the bill, as and if amended, Section 34-39-180(B) as found in SECTION 4, by deleting Section 34-39-180(B) in its entirety and inserting:

/ (B) The face amount of a check taken for deferred presentment or deposit may not exceed three hundred dollars, exclusive of the fees allowed in Section 34-39-180(E). /

Amend the bill further by adding an appropriately numbered SECTION to read:

/ SECTION ___. Section 34-39-180(E) of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“(E)(1) A licensee shall not charge, directly or indirectly, a fee or other consideration in excess of fifteen percent of the face amount of the check for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Fifty Cents of each fee must be set aside for deposit into an industry account for the purpose of creating and disseminating a statewide financial literacy education program.

(2) In addition to the administrative fee, the licensee may charge interest on the amount of cash delivered to the customer in an amount no greater than thirty percent for each three hundred and sixty-five-day year. The rate charged on the outstanding balance after maturity must not be greater than the rate charged during the loan term. Charges on loans must be computed and paid only as a percentage of the unpaid principal balance. ‘Principal balance’ means the balance due and owing exclusive of any interest, service charges, or other loan-related charges.” /

Amend the bill further, Section 34-39-270(A) as found in SECTION 2, by deleting subsection (A) and inserting:

/ (A) A licensee may not enter into a deferred presentment transaction with a person:

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(1) who has an outstanding deferred presentment transaction with any licensee;

(2) who has entered into an extended payment plan agreement with any licensee as provided in Section 34-39-280 which has not been paid in full or terminated; or

(3) sooner than the thirtieth day after the date upon which the person closed out his previous deferred presentment transaction with any licensee. /

Renumber sections to conform.

Amend title to conform.

Rep. KING explained the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. J. H. NEAL demanded the yeas and nays which were taken, resulting as follows:

Yeas 83; Nays 29

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Daning	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Frye
Gambrell	Gilliard	Gullick
Haley	Hamilton	Hardwick
Harrell	Hayes	Herbkersman
Hiott	Horne	Kelly
Kirsh	Knight	Limehouse
Littlejohn	Long	Lowe
Lucas	Mack	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	J. M. Neal
Neilson	Ott	Owens

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Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
G. R. Smith	Sottile	Spires
Stringer	Thompson	Toole
Umphlett	Vick	White
Whitmire	Willis	Wylie
A. D. Young	T. R. Young	

Total--83

Those who voted in the negative are:

Agnew	Allen	Brantley
R. L. Brown	Clyburn	Cobb-Hunter
Funderburk	Govan	Gunn
Hart	Harvin	Hodges
Hosey	Howard	Hutto
Jefferson	Kennedy	King
McEachern	McLeod	J. H. Neal
Parks	Rutherford	Sellers
D. C. Smith	J. E. Smith	Weeks
Whipper	Williams	

Total--29

So, the amendment was tabled.

Reps. OTT, SANDIFER, MACK, HARRELL, MILLER, CATO proposed the following Amendment No. 4 (COUNCIL\GJK\20109ZW09), which was adopted:

Amend the bill, as and if amended, Section 34-39-270 as contained in SECTION 2, page 3301-4, by adding:

/ (J) At each licensed location, a licensee shall prominently post a notice in at least 24-point bold type, in a form established or approved by the Board, informing persons that if they are unable to repay a deferred presentment transaction when due they may be eligible to enter into an extended payment plan. A licensee also shall notify a person of his right to an extended payment plan by displaying the following statement, in at least 12-point bold type, on the first page of each deferred presentment agreement: 'If you are unable to repay a

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deferred presentment transaction when due, you may be eligible to request an extended payment plan.’

(K) After a person has completed ten successive deferred presentment transactions, no licensee may enter another deferred presentment transaction with that person for a period of days equal to the person's pay period. A pay period for purposes of this section means the number of days between a person's regular pay dates. A successive deferred presentment transaction for purposes of this section means a deferred presentment transaction made to a person on the same date that the person repaid a previous deferred presentment transaction./

Renumber sections to conform.

Amend title to conform.

Rep. OTT explained the amendment.

Rep. OTT spoke in favor of the amendment.

Rep. HART spoke against the amendment.

Rep. HART spoke against the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

The question then recurred to the adoption of the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 99; Nays 13

Those who voted in the affirmative are:

Agnew	Alexander	Allen
Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Danig	Delleney
Dillard	Duncan	Edge
Erickson	Forrester	Frye
Funderburk	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Hardwick

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Harrell	Harvin	Hayes
Herbkersman	Hiott	Horne
Howard	Hutto	Kelly
Kennedy	Kirsh	Knight
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Mack	McLeod	Miller
Millwood	Mitchell	Moss
J. M. Neal	Neilson	Ott
Owens	Parker	Parks
Pinson	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Whipper
White	Whitmire	Williams
Willis	Wylie	T. R. Young

Total--99

Those who voted in the negative are:

Brantley	R. L. Brown	Clyburn
Cobb-Hunter	Hodges	Hosey
King	McEachern	Merrill
Nanney	J. H. Neal	E. H. Pitts
A. D. Young		

Total--13

So, the amendment was adopted.

ACTING SPEAKER HARRISON IN CHAIR

Rep. McEACHERN proposed the following Amendment No. 5 (COUNCIL\BBM\9157SD09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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/ SECTION __. Section 34-39-180(E) of the 1976 Code, as added by Act 433 of 1998, is amended by adding a new paragraph at the end to read:

“In addition to the administrative fee, for transactions involving teachers, nurses, EMS personnel, firemen, policemen, and other State or local governmental employees, the licensee may charge interest on the amount of cash delivered to the customer in an amount no greater than thirty-six percent for each three hundred and sixty-five-day year. The rate charged on the outstanding balance after maturity must not be greater than the rate charged during the loan term. Charges on loans must be computed and paid only as a percentage of the unpaid principal balance. ‘Principal balance’ means the balance due and owing exclusive of any interest, service charges, or other loan-related charges.” /

Renumber sections to conform.

Amend title to conform.

Rep. MCEACHERN explained the amendment.

Rep. SANDIFER moved to table the amendment, which was agreed to.

Reps. CLEMMONS, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY AND HUTTO proposed the following Amendment No. 7 (COUNCIL\MS\7183ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately number SECTION to read:

/ SECTION __. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-290. Based upon data provided by the database vendor, the Board of Financial Institutions annually shall report to the General Assembly the following information for loans made in South Carolina in the previous reporting year, specifically the number of:

- (1) loans made in South Carolina by loan amount and the dollar amount of fees collected by loan amount;
- (2) individual borrowers by loan amount and the number of borrowers by the number of times each borrower took out a loan;
- (3) borrowers who chose to pay off their loans through an extended payment plan by loan amount;
- (4) loans that were not paid off in the previous year by loan amount;

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(5) loans on which the lender submitted the check for collection by loan amount and the number of loans on which the lender took action for collection; and

(6) the number of twenty-four hour periods within which a successive loan is conducted after a prior loan is completed.” /

renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 47

Those who voted in the affirmative are:

Allison	Anderson	Bannister
Battle	Bedingfield	Bingham
Bowers	Brady	G. A. Brown
H. B. Brown	Cato	Chalk
Cole	Cooper	Crawford
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Gilliard	Hamilton	Hayes
Horne	Jefferson	Kelly
Kennedy	Kirsh	Limehouse
Littlejohn	Long	Lowe
Lucas	Mack	Miller
Millwood	Mitchell	Moss
Nanney	Ott	Parker
Pinson	E. H. Pitts	M. A. Pitts
Sandifer	Scott	Skelton
G. R. Smith	J. E. Smith	Sottile
Spires	Stringer	Thompson
Toole	Umphlett	Vick

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White	Whitmire	Williams
Willis	Wylie	

Total--62

Those who voted in the negative are:

Agnew	Allen	Anthony
Bales	Ballentine	Barfield
Bowen	Branham	Brantley
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	Daning	Delleney
Dillard	Funderburk	Govan
Gullick	Gunn	Haley
Hardwick	Harvin	Herbkersman
Hiott	Hodges	Hosey
Hutto	King	Knight
McEachern	McLeod	Merrill
J. H. Neal	J. M. Neal	Neilson
Owens	Parks	Rice
Simrill	D. C. Smith	J. R. Smith
Stewart	Viers	Whipper
A. D. Young	T. R. Young	

Total--47

So, the amendment was tabled.

Reps. CLEMMONS, GOVAN, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY AND HUTTO proposed the following Amendment No. 8 (COUNCIL\MS\7184ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 34-39-170 of the 1976 Code, as added by Act 433 of 1998, is amended by adding an appropriately numbered new item to read:

“() A licensee may not enter into an automatic debit loan or electronic funds transfer payment agreement to satisfy any portion of a deferred presentment transaction.” /

renumber sections to conform.

Amend title to conform.

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Rep. CLEMMONS explained the amendment.

Rep. CLEMMONS spoke in favor of the amendment.

Rep. D. C. SMITH spoke in favor of the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken,
resulting as follows:

Yeas 67; Nays 39

Those who voted in the affirmative are:

Allison	Anderson	Ballentine
Bannister	Battle	Bedingfield
Bingham	Bowen	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Chalk	Cole
Cooper	Crawford	Daning
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Gilliard	Haley	Hamilton
Hayes	Hiott	Horne
Kelly	Kennedy	Kirsh
Limehouse	Littlejohn	Long
Lowe	Mack	Merrill
Miller	Millwood	Mitchell
Moss	Nanney	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Skelton	G. R. Smith
J. R. Smith	Sottile	Spires
Stringer	Thompson	Toole
Umphlett	Vick	White
Whitmire	Willis	Wylie
A. D. Young		

Total--67

Those who voted in the negative are:

Agnew	Anthony	Bales
Barfield	Brantley	R. L. Brown

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Clemmons	Clyburn	Cobb-Hunter
Delleney	Dillard	Funderburk
Govan	Gullick	Gunn
Hardwick	Harvin	Herbkersman
Hodges	Hosey	Hutto
Jefferson	King	Knight
Lucas	McEachern	McLeod
J. H. Neal	J. M. Neal	Neilson
Ott	Parks	Simrill
D. C. Smith	Stewart	Viers
Whipper	Williams	T. R. Young

Total--39

So, the amendment was tabled.

Reps. CLEMMONS, FUNDERBURK, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY AND HUTTO proposed the following Amendment No. 9 (COUNCIL\MS\7185ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 34-39-210 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“Section 34-39-210. (A) The board may ~~suspend or revoke~~ take the following action for violation of a license issued pursuant to this chapter if, after notice and opportunity for hearing, the board issues written findings that the licensee has:

- (1) violated this chapter or applicable state or federal law;
- (2) made a false statement on the application for a license under the chapter;
- (3) refused to permit investigation by the board as authorized by this chapter;
- (4) failed to comply with an order of the board;
- (5) demonstrated incompetency or untrustworthiness to engage in the business of deferred presentment services; or
- (6) been convicted of a felony or misdemeanor involving fraud, misrepresentation, or deceit.

(B) The board may impose the following penalties for violation of this chapter:

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(1) a fine of one thousand five hundred dollars for the first violation;

(2) a fine of three thousand dollars for the second violation;

(3) suspension of the license for one year for the third violation; and

(4) permanent revocation of the license for the fourth violation.

(C) If a licensee or other party is charged with a violation of this chapter, the borrower has a right in action to recover from the licensee or party charged with the violation actual damages and also a penalty in an amount determined by the court of not less than one thousand five hundred dollars and not more than seven thousand five hundred dollars for each deferred presentment transaction. In an action in which it is found that a licensee or party charged with a violation has violated this chapter, the court shall award to the debtor the costs of the action and to his attorneys their reasonable fees. In determining attorney's fees, the amount of the recovery on behalf of the debtor is not controlling.

(D) The board may not suspend or revoke a license issued pursuant to this chapter unless the licensee has been given notice and opportunity for hearing in accordance with the Administrative Procedures Act.” /

renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays, which were not ordered.

The amendment was then tabled by a division vote of 53 to 29.

Reps. CLEMMONS, FUNDERBURK, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY, AND HUTTO proposed the following Amendment No. 10 (COUNCIL\GJK\20106ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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/ SECTION __. Subsection (B) of Section 34-39-210 of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“(B) The board may impose the following penalties for violation of this chapter:

(1) a fine of one thousand five hundred dollars for the first violation;

(2) a fine of three thousand dollars for the second violation;

(3) suspension of the license for one year for the third violation; and

(4) permanent revocation of the license for the fourth violation.

~~(B)~~(C) The board may not suspend or revoke a license issued pursuant to this chapter unless the licensee has been given notice and opportunity for hearing in accordance with the Administrative Procedures Act.” /

renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 62; Nays 45

Those who voted in the affirmative are:

Allison	Anderson	Bannister
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Chalk	Cole
Cooper	Crawford	Daning
Erickson	Forrester	Gambrell
Gilliard	Haley	Hamilton
Harrell	Hayes	Horne
Kelly	Kennedy	Kirsh
Limehouse	Littlejohn	Long
Lowe	Lucas	Mack
Merrill	Miller	Millwood

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Mitchell	Moss	Nanney
Ott	Owens	Parker
E. H. Pitts	Rice	Sandifer
Scott	Skelton	G. R. Smith
Sottile	Spires	Stringer
Thompson	Toole	Umphlett
Vick	White	Whitmire
Williams	Wylie	

Total--62

Those who voted in the negative are:

Agnew	Anthony	Bales
Ballentine	Barfield	Brantley
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	Delleney	Dillard
Duncan	Edge	Frye
Funderburk	Govan	Gullick
Gunn	Hardwick	Harvin
Hodges	Hosey	Hutto
Jefferson	King	Knight
Loftis	McEachern	McLeod
J. H. Neal	J. M. Neal	Neilson
Parks	M. A. Pitts	Simrill
D. C. Smith	J. E. Smith	J. R. Smith
Stewart	Viers	Whipper
Willis	A. D. Young	T. R. Young

Total--45

So, the amendment was tabled.

Reps. CLEMMONS, FUNDERBURK, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY AND HUTTO proposed the following Amendment No. 11 (COUNCIL\MS\7182ZW09), which was tabled:

Amend the bill, as and if amended, Section 34-39-180(B) as found in SECTION 4, by deleting Subsection (B) and inserting:

/ “(B) The ~~face~~ total amount of a check taken advanced to a customer for deferred presentment or deposit ~~may not exceed three hundred dollars~~, exclusive of the fees allowed in Section 34-39-180(E).”

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may not exceed three hundred dollars. A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by the customer.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. SANDIFER demanded the yeas and nays which were taken, resulting as follows:

Yeas 69; Nays 39

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bannister	Battle	Bedingfield
Bingham	Bowen	Bowers
Brady	H. B. Brown	Cato
Chalk	Cole	Cooper
Crawford	Daning	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Haley
Hamilton	Harrell	Hayes
Herbkersman	Hiott	Horne
Jefferson	Kelly	Kennedy
Kirsh	Limehouse	Littlejohn
Long	Lowe	Mack
Merrill	Miller	Millwood
Mitchell	Moss	Nanney
Ott	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Sandifer	Scott	Skelton
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	White	Whitmire
Willis	Wylie	T. R. Young

Total--69

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Those who voted in the negative are:

Agnew	Bales	Ballentine
Barfield	Branham	Brantley
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	Delleney	Dillard
Funderburk	Gilliard	Govan
Gullick	Gunn	Hardwick
Harvin	Hodges	Hosey
Hutto	King	Knight
Lucas	McEachern	McLeod
J. H. Neal	J. M. Neal	Neilson
Parks	Rice	Simrill
D. C. Smith	J. E. Smith	Viers
Whipper	Williams	A. D. Young

Total--39

So, the amendment was tabled.

Reps. CLEMMONS, FUNDERBURK, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY AND HUTTO proposed the following Amendment No. 13 (COUNCIL\MS\7180ZW09), which was tabled:

Amend the bill, as and if amended, Section 34-39-180(B) as found in SECTION 4, by deleting Subsection (B) and inserting:

/ “(B) The face total amount of a check taken advanced to a customer for deferred presentment or deposit ~~may not exceed three hundred dollars~~, exclusive of the fees allowed in Section 34-39-180(E), may not exceed five hundred dollars. A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by the customer.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. CLEMMONS demanded the yeas and nays which were taken, resulting as follows:

Yeas 64; Nays 42

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Those who voted in the affirmative are:

Allison	Anderson	Bannister
Battle	Bedingfield	Bingham
Bowen	Bowers	Brady
G. A. Brown	H. B. Brown	Cato
Chalk	Cole	Cooper
Crawford	Duncan	Erickson
Forrester	Frye	Gambrell
Gilliard	Haley	Hamilton
Harrell	Hayes	Herbkersman
Hiott	Horne	Jefferson
Kelly	Kirsh	Limehouse
Long	Lowe	Mack
Merrill	Millwood	Mitchell
Moss	Nanney	Ott
Owens	Parker	Pinson
E. H. Pitts	M. A. Pitts	Sandifer
Scott	Skelton	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Vick
White	Whitmire	Willis
Wylie		

Total--64

Those who voted in the negative are:

Agnew	Anthony	Bales
Ballentine	Barfield	Branham
Brantley	R. L. Brown	Clemmons
Clyburn	Cobb-Hunter	Daning
Delleney	Dillard	Edge
Funderburk	Govan	Gullick
Gunn	Hardwick	Harvin
Hodges	Hosey	Hutto
King	Knight	Lucas
McEachern	McLeod	Miller
J. H. Neal	J. M. Neal	Neilson
Parks	Rice	Simrill

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D. C. Smith
Williams

Viers
A. D. Young

Whipper
T. R. Young

Total--42

So, the amendment was tabled.

Reps. CLEMMONS, DELLENEY, FUNDERBURK, GUNN, HARDWICK, AGNEW, ANTHONY and HUTTO proposed the following Amendment No. 14 (COUNCIL\GGS\22239MM09), which was tabled:

Amend the bill, as and if amended, Section 34-39-180(B) as found in SECTION 4, page 3301-5, by deleting subsection (B) in its entirety and inserting:

/ (B) ~~The face amount of a check taken for deferred presentment or deposit may not exceed three hundred dollars, exclusive of the fees allowed in Section 34-39-180(E).~~ The total amount advanced by all licensees to a customer for deferred presentment or deposit may not exceed the lesser of twenty-five percent of the customer's gross income during the term of the loan or five hundred dollars, exclusive of the fees allowed in Section 34-39-180(E). A licensee may not advance to a customer an amount for deferred presentment or deposit which causes this limit to be exceeded by that customer.” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. MACK spoke against the amendment.

Rep. MACK moved to table the amendment, which was agreed to.

Reps. CLEMMONS, DELLENEY, FUNDERBURK, GUNN, HARDWICK, AGNEW, ANTHONY and HUTTO proposed the following Amendment No. 15 (COUNCIL\GGS\22237MM09), which was tabled:

Amend the bill, as and if amended, page [3301-2], beginning on line 29, by deleting Section 34-39-270(A), SECTION 2, and inserting:

/ (A) A licensee may not enter into a deferred presentment transaction with a person:

(1) who has an outstanding deferred presentment transaction with any licensee; or

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(2) sooner than the elapse of one entire intervening pay period after the date upon which the person who has entered into an extended payment plan agreement with any licensee as provided in Section 34-39-280 has paid in full or closed out his extended payment plan transaction with the licensee. /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. MACK spoke against the amendment.

Rep. SANDIFER moved to table the amendment, which was agreed to.

Reps. CLEMMONS, DELLENEY, FUNDERBURK, GUNN, HARDWICK, AGNEW, ANTHONY and HUTTO proposed the following Amendment No. 20 (COUNCIL\GGS\22226MM09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ Chapter 39, Title 34 of the 1976 Code, as added by Act 433 of 1998, is amended by adding:

/ "Section 34-39-290. (A) Subject to the terms and conditions contained in this section, a customer may pay an outstanding deferred presentment transaction by means of an extended payment plan.

(B) A licensee shall enter into a written plan agreement with the customer if the customer, on or before the deferred presentment transaction's due date, requests a plan and signs an amendment to the written agreement that memorializes the plan's terms and shall enter into the database established in Section 34-29-175 the information that the customer has an extended payment plan.

(C) The plan's terms must allow the customer, at no additional cost, to repay the deferred presentment transaction in four substantially equal installments. Each plan installment must coincide with a date on which the customer receives regular income. The customer may prepay a plan in full at any time without penalty. If the customer fails to pay a plan installment when due, the plan is terminated and the licensee immediately may accelerate and collect the unpaid transaction balance. The licensee, with each payment under the plan by a customer, may provide for the return of the customer's prior held check and require a new check for the remaining balance under the plan.

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(D) A licensee must notify the customer of his plan rights by displaying the following statement, in at least 12-point bold type, on the first page of the written agreement:

‘You should use a deferred presentment transaction only for a short-term credit need. If you have a long-term credit need, you should consider a less costly way to borrow money or seek the advice of a nonprofit credit counselor. You may repay this contract through an extended payment plan. If you choose this right, then, on or before the date this contract is due, you must ask for an extended payment plan. You will be asked to sign a new agreement for this extended payment plan. The extended payment plan must let you repay this contract in four substantially equal installments. There will be no additional cost. Each extended payment plan installment must match with a date on which you receive regular income. You may prepay an extended payment plan in full at any time without penalty. If you fail to pay an extended payment plan installment when due, the extended payment plan will end and we may collect immediately the unpaid contract balance.’” /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. SANDIFER spoke against the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. CLEMMONS demanded the yeas and nays which were taken, resulting as follows:

Yeas 63; Nays 43

Those who voted in the affirmative are:

Allison	Anderson	Bannister
Battle	Bedingfield	Bingham
Bowen	Brady	Branham
G. A. Brown	H. B. Brown	Cato
Cole	Cooper	Crawford
Daning	Duncan	Edge
Erickson	Forrester	Gambrell
Gilliard	Haley	Hamilton
Hayes	Herbkersman	Horne
Kelly	Kennedy	Kirsh

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Limehouse	Littlejohn	Long
Lowe	Lucas	Mack
Miller	Millwood	Mitchell
Moss	Nanney	Owens
Parker	E. H. Pitts	M. A. Pitts
Sandifer	Scott	Skelton
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	White	Whitmire
Willis	Wylie	T. R. Young

Total--63

Those who voted in the negative are:

Agnew	Anthony	Bales
Ballentine	Barfield	Brantley
R. L. Brown	Clemmons	Clyburn
Cobb-Hunter	Delleney	Dillard
Frye	Funderburk	Govan
Gullick	Gunn	Hardwick
Harvin	Hiott	Hodges
Hosey	Howard	Hutto
Jefferson	King	Knight
Loftis	McEachern	McLeod
Merrill	J. H. Neal	Neilson
Parks	Pinson	Rice
Simrill	D. C. Smith	J. E. Smith
Viers	Whipper	Williams
A. D. Young		

Total--43

So, the amendment was tabled.

Reps. CLEMMONS, DELLENEY, FUNDERBURK, GUNN, HARDWICK, AGNEW, ANTHONY and HUTTO proposed the following Amendment No. 21 (COUNCIL\BBM\9151MM09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

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/ SECTION __. Section 34-39-150(C) and (D) of the 1976 Code, as last amended by Act 433 of 1998, is further amended to read:

(C) The application must be accompanied by payment of an application fee of ~~two hundred fifty~~ five hundred dollars and an investigation fee of five hundred dollars. These fees are not refundable or abatable. If the license is granted, however, payment of the application fee satisfies the fee requirement for the first license year or its remainder.

(D) A license expires annually and may be renewed upon payment of a license fee of ~~two hundred fifty~~ five hundred dollars. The annual license renewal fee for an applicant with more than one location is ~~two hundred fifty~~ five hundred dollars for the first location and ~~fifty~~ one hundred dollars for each additional location.

(E) The Board of Financial Institutions shall disburse one-half of the license fees collected to the South Carolina Attorney General's Office to establish and maintain a division to enforce the provisions of this chapter.

(F) The Board of Financial Institutions shall certify that the licensee in compliance with the provisions of this chapter by completing a full examination of licensee's books, accounts, and records upon application for yearly renewal." /

Renumber sections to conform.

Amend title to conform.

Rep. CLEMMONS explained the amendment.

Rep. CATO demanded the yeas and nays which were taken, resulting as follows:

Yeas 95; Nays 11

Those who voted in the affirmative are:

Agnew	Allison	Anderson
Anthony	Bales	Ballentine
Bannister	Barfield	Battle
Bingham	Bowen	Bowers
Brady	Branham	Brantley
G. A. Brown	H. B. Brown	R. L. Brown
Cato	Chalk	Clemmons
Clyburn	Cobb-Hunter	Cole
Cooper	Delleney	Dillard
Duncan	Erickson	Forrester

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Frye	Funderburk	Gambrell
Gilliard	Govan	Gullick
Gunn	Haley	Hamilton
Hardwick	Harvin	Herbkersman
Hiott	Horne	Hosey
Howard	Hutto	Jefferson
Kelly	Kennedy	King
Kirsh	Knight	Limehouse
Littlejohn	Loftis	Lucas
Mack	McEachern	McLeod
Miller	Millwood	Mitchell
Moss	J. H. Neal	J. M. Neal
Neilson	Owens	Parker
Parks	Pinson	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. E. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Viers
Whipper	White	Whitmire
Williams	Willis	Wylie
A. D. Young	T. R. Young	

Total--95

Those who voted in the negative are:

Bedingfield	Crawford	Daning
Hayes	Long	Lowe
Merrill	Nanney	E. H. Pitts
Umphlett	Vick	

Total--11

The amendment was then adopted.

Rep. GUNN proposed the following Amendment No. 24 (COUNCIL\AGM\19346MM09), which was tabled:

Amend the bill, as and if amended, Section 34-39-270(B) as found in SECTION 2, by deleting subsection (B) and inserting:

/ (B) Before entering into a deferred presentment transaction with a person, a licensee shall verify whether the person is eligible to enter

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into the transaction by (a) taking a loan application that includes the person's income, expenses, assets, liabilities, and reason for the loan, and pulling a credit history on the person; and (b) accessing the deferred presentment transaction database established pursuant to subsection (C). /

Renumber sections to conform.

Amend title to conform.

Rep. GUNN explained the amendment.

Rep. MACK spoke against the amendment.

Rep. GUNN spoke in favor of the amendment.

Rep. SANDIFER moved to table the amendment, which was agreed to.

Rep. GUNN proposed the following Amendment No. 25 (COUNCIL\AGM\19344MM09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION _____. Section 34-39-180(E) of the 1976 Code, as added by Act 433 of 1998, is amended to read:

“(E) A licensee shall not charge, directly or indirectly, a fee or other consideration in excess of ~~fifteen~~ ten percent of the face amount of the check for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection may be imposed only once for each written agreement.” /

Renumber sections to conform.

Amend title to conform.

Rep. GUNN explained the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. GUNN demanded the yeas and nays which were taken, resulting as follows:

Yeas 72; Nays 30

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Those who voted in the affirmative are:

Allison	Anderson	Bannister
Barfield	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	Cato
Cole	Cooper	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gilliard
Gullick	Haley	Hamilton
Hayes	Herbkersman	Hiott
Horne	Kelly	Kirsh
Limehouse	Littlejohn	Long
Lowe	Lucas	Mack
Merrill	Miller	Millwood
Mitchell	Moss	Nanney
Ott	Owens	Parker
Pinson	E. H. Pitts	M. A. Pitts
Rice	Sandifer	Scott
Simrill	Skelton	G. R. Smith
J. R. Smith	Sottile	Stewart
Stringer	Thompson	Toole
Umphlett	Vick	Viers
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--72

Those who voted in the negative are:

Agnew	Anthony	Bales
Ballentine	Brantley	R. L. Brown
Clemmons	Clyburn	Cobb-Hunter
Dillard	Funderburk	Gunn
Hardwick	Harvin	Hosey
Howard	Jefferson	King
Knight	McEachern	McLeod
J. H. Neal	J. M. Neal	Neilson
Parks	D. C. Smith	J. E. Smith
Spires	Whipper	Williams

Total--30

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So, the amendment was tabled.

Rep. GUNN proposed the following Amendment No. 27 (COUNCIL\AGM\19345MM09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION ____ . Section 34-39-180(E) of the 1976 Code, as added by Act 433 of 1998, is amended by adding at the end:

“In addition to the administrative fee, the licensee may charge interest on the amount of cash delivered to the customer in an amount no greater than one hundred percent for each three hundred and sixty-five-day year. The rate charged on the outstanding balance after maturity must not be greater than the rate charged during the loan term. Charges on loans must be computed and paid only as a percentage of the unpaid principal balance. ‘Principal balance’ means the balance due and owing exclusive of any interest, service charges, or other loan-related charges.” /

Renumber sections to conform.

Amend title to conform.

Rep. GUNN explained the amendment.

Rep. SANDIFER moved to table the amendment.

Rep. GUNN demanded the yeas and nays which were taken, resulting as follows:

Yeas 76; Nays 21

Those who voted in the affirmative are:

Allison	Anderson	Ballentine
Bannister	Barfield	Bedingfield
Bingham	Bowen	Bowers
Brady	Branham	G. A. Brown
H. B. Brown	Cato	Chalk
Clemmons	Cole	Cooper
Crawford	Danig	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Gilliard	Gullick	Haley
Hamilton	Harrell	Hayes
Hiott	Horne	Kelly

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Kirsh	Limehouse	Littlejohn
Long	Lowe	Lucas
Mack	Merrill	Miller
Millwood	Mitchell	Moss
Nanney	Ott	Owens
Parker	Pinson	E. H. Pitts
M. A. Pitts	Rice	Sandifer
Scott	Simrill	Skelton
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	White
Whitmire	Willis	Wylie
T. R. Young		

Total--76

Those who voted in the negative are:

Agnew	Bales	R. L. Brown
Cobb-Hunter	Funderburk	Gunn
Harvin	Hodges	Hosey
Hutto	Jefferson	King
Knight	McEachern	McLeod
J. H. Neal	Parks	D. C. Smith
J. E. Smith	Whipper	Williams

Total--21

So, the amendment was tabled.

LEAVE OF ABSENCE

The SPEAKER granted Rep. J. E. SMITH a leave of absence for the remainder of the day, due to illness.

Rep. Gunn proposed the following Amendment No. 28 (COUNCIL\NBD\11245MM09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION _____. Section 34-39-180(E) of the 1976 Code, as added by Act 433 of 1998, is amended to read:

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“(E) A licensee shall not charge, directly or indirectly, a fee or other consideration in excess of ~~fifteen percent of the face amount of the check~~ twenty-five dollars for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection may be imposed only once for each written agreement. In addition to the administrative fee, the licensee may charge interest on the amount of cash delivered to the customer in an amount no greater than one hundred percent for each three hundred and sixty-five-day year. The rate charged on the outstanding balance after maturity must not be greater than the rate charged during the loan term. Charges on loans must be computed and paid only as a percentage of the unpaid principal balance. ‘Principal balance’ means the balance due and owing exclusive of any interest, service charges, or other loan-related charges.” /

Renumber sections to conform.

Amend title to conform.

Rep. GUNN explained the amendment.

Rep. SANDIFER moved to table the amendment.

The amendment was then tabled by a division vote of 69 to 19.

Rep. Sellers proposed the following Amendment No. 37 (COUNCIL\MS\7205ZW09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-295. No later than January fifteenth of each year, the State Board of Financial Institutions must remit to the South Carolina Department of Consumer Affairs an amount equal to a total of ten cents per deferred presentment services licensure application fee collected during the preceding calendar year. The South Carolina Department of Consumer Affairs must use these proceeds to support financial literacy programs in this State. These financial literacy programs must be offered to the public free of charge.” /

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Renumber sections to conform.
Amend title to conform.

Rep. SELLERS explained the amendment.
The amendment was then adopted.

Reps. OTT, SANDIFER, MACK, HARRELL and CATO proposed the following Amendment No. 38 (COUNCIL\NBD\11260AC09), which was adopted:

Amend the bill, as and if amended, Section 34-39-280(B) page 3301-4, line 27 after /If,/ by inserting /on or /

Renumber sections to conform.
Amend title to conform.

Rep. OTT explained the amendment.
The amendment was then adopted.

Reps. CLEMMONS, DELLENEY, GUNN, HARDWICK, AGNEW, ANTHONY, HUTTO, CATO AND SANDIFER proposed the following Amendment No. 40 (COUNCIL\NBD\11266BH09), which was adopted:

Amend the bill, as and if amended, by adding an appropriately number SECTION to read:

/ SECTION __. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-290. Based upon data provided by the database vendor, the Board of Financial Institutions annually shall report to the General Assembly the following information for loans made in South Carolina in the previous reporting year, specifically the number of:

(1) loans made in South Carolina by loan amount and the dollar amount of fees collected by loan amount;

(2) borrowers by loan amount and the number of borrowers by the number of times each borrower took out a loan;

(3) borrowers who chose to pay off their loans through an extended payment plan by loan amount;

(4) loans that were not paid off in the previous year by loan amount;

(5) loans on which the lender submitted the check for collection by loan amount and the number of loans on which the lender took action for collection; and

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(6) the number of twenty-four hour periods within which a successive loan is conducted after a prior loan is completed.” /
renumber sections to conform.
Amend title to conform.

Rep. CLEMMONS explained the amendment.
The amendment was then adopted.

Rep. RICE proposed the following Amendment No. 6 (COUNCIL\MS\7193ZW09), which was tabled:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Section 34-39-180 of the 1976 Code, as added by Act 433 of 1998, is amended by adding at the end:

“() A licensee shall not charge an individual receiving social security, supplemental security income (SSI), or social security disability benefits, directly or indirectly, a fee or other consideration in excess of ten dollars for accepting a check for deferred presentment or deposit. The fee or other consideration authorized by this subsection may be imposed only once for each written agreement. Records must be kept by each licensee with sufficient detail to ensure that the fee or other consideration authorized by this subsection may be imposed only once for each written agreement. In addition to the administrative fee, the licensee may charge interest on the amount of cash delivered to the customer in an amount no greater than thirty-six percent for each three hundred and sixty-five-day year. The rate charged on the outstanding balance after maturity must not be greater than the rate charged during the loan term. Charges on loans must be computed and paid only as a percentage of the unpaid principal balance. ‘Principal balance’ means the balance due and owing exclusive of any interest, service charges, or other loan-related charges.” /

Renumber sections to conform.
Amend title to conform.

Rep. RICE explained the amendment.

Rep. SANDIFER moved to table the amendment.

The amendment was then tabled by a division vote of 51 to 37.

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AMENDMENT NO. 37--RECONSIDERED AND TABLED

Rep. SELLERS moved to reconsider the vote whereby Amendment 37 was adopted, which was agreed to.

Rep. SELLERS moved to table the amendment, which was agreed to.

Rep. SELLERS proposed the following Amendment No. 41 (COUNCIL\NBD\11268ZW09), which was rejected:

Amend the bill, as and if amended, by adding an appropriately numbered SECTION to read:

/ SECTION __. Chapter 39, Title 34 of the 1976 Code is amended by adding:

“Section 34-39-295. No later than January fifteenth of each year, the State Board of Financial Institutions must remit to the South Carolina Department of Consumer Affairs an amount equal to a total of ten cents per deferred presentment services transaction collected during the preceding calendar year. The South Carolina Department of Consumer Affairs must use these proceeds to support financial literacy programs in this State. These financial literacy programs must be offered to the public free of charge.” /

Renumber sections to conform.

Amend title to conform.

Rep. SELLERS explained the amendment.

Rep. SIMRILL spoke against the amendment.

Rep. SIMRILL demanded the yeas and nays which were taken, resulting as follows:

Yeas 44; Nays 60

Those who voted in the affirmative are:

Agnew	Anderson	Anthony
Bales	Bannister	Bowers
Branham	G. A. Brown	H. B. Brown
R. L. Brown	Cato	Clemmons
Clyburn	Cobb-Hunter	Dillard
Funderburk	Gilliard	Govan
Gunn	Hardwick	Harrell
Harvin	Hayes	Hodges
Hosey	Hutto	Jefferson

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King	Knight	Lucas
Mack	McEachern	Miller
Mitchell	J. H. Neal	Neilson
Ott	Parks	Sandifer
Scott	Sellers	Vick
Whipper	Williams	

Total--44

Those who voted in the negative are:

Allison	Ballentine	Barfield
Bedingfield	Bingham	Bowen
Brady	Cole	Cooper
Crawford	Daning	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Gullick	Haley	Hamilton
Herbkersman	Hiott	Horne
Kelly	Kennedy	Limehouse
Littlejohn	Loftis	Long
Lowe	Merrill	Millwood
Moss	Nanney	J. M. Neal
Owens	Parker	E. H. Pitts
M. A. Pitts	Rice	Simrill
Skelton	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Viers
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--60

So, the amendment was rejected.

SPEAKER IN CHAIR

Rep. CATO moved cloture on the entire matter.

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Rep. CRAWFORD demanded the yeas and nays which were taken,
resulting as follows:

Yeas 66; Nays 40

Those who voted in the affirmative are:

Allison	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Brady	Cato
Chalk	Cole	Cooper
Crawford	Daning	Delleney
Duncan	Edge	Erickson
Forrester	Frye	Gambrell
Gullick	Haley	Hamilton
Hardwick	Harrell	Herbkersman
Hiott	Horne	Kelly
Limehouse	Littlejohn	Loftis
Long	Lowe	Lucas
Merrill	Millwood	Mitchell
Nanney	Owens	Parker
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Simrill
Skelton	D. C. Smith	G. R. Smith
J. R. Smith	Sottile	Spires
Stewart	Stringer	Thompson
Toole	Umphlett	Viers
White	Whitmire	Willis
Wylie	A. D. Young	T. R. Young

Total--66

Those who voted in the negative are:

Agnew	Anderson	Anthony
Bales	Bowers	Branham
G. A. Brown	H. B. Brown	R. L. Brown
Clemmons	Clyburn	Cobb-Hunter
Dillard	Funderburk	Gilliard
Govan	Gunn	Harvin
Hayes	Hodges	Hosey
Howard	Hutto	Jefferson
Kennedy	King	Knight
Mack	McEachern	McLeod

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Miller	Moss	J. H. Neal
Neilson	Ott	Parks
Sellers	Vick	Whipper
Williams		

Total--40

So, cloture was ordered.

The question then recurred to the adoption of the Bill.

Rep. J. H. NEAL spoke against the Bill.

Rep. SANDIFER spoke in favor of the Bill.

Rep. MACK spoke in favor of the Bill.

Rep. KING spoke against the Bill.

Pursuant to Rule 7.7 the yeas and nays were taken resulting as follows:

Yeas 93; Nays 16

Those who voted in the affirmative are:

Allison	Anderson	Anthony
Bales	Ballentine	Bannister
Barfield	Bedingfield	Bingham
Bowen	Bowers	Brady
Branham	G. A. Brown	H. B. Brown
Cato	Chalk	Cobb-Hunter
Cole	Cooper	Crawford
Daning	Delleney	Duncan
Edge	Erickson	Forrester
Frye	Gambrell	Gilliard
Govan	Gullick	Gunn
Haley	Hamilton	Harrell
Harvin	Hayes	Herbkersman
Hiott	Horne	Jefferson
Kelly	Kennedy	Kirsh
Knight	Limehouse	Littlejohn
Loftis	Long	Lowe
Lucas	Mack	McLeod
Miller	Millwood	Mitchell
Moss	Nanney	J. M. Neal

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Neilson	Ott	Owens
Parker	Parks	Pinson
E. H. Pitts	M. A. Pitts	Rice
Sandifer	Scott	Sellers
Simrill	Skelton	D. C. Smith
G. R. Smith	J. R. Smith	Sottile
Spires	Stewart	Stringer
Thompson	Toole	Umphlett
Vick	Viers	Whipper
White	Whitmire	Williams
Willis	Wylie	T. R. Young

Total--93

Those who voted in the negative are:

Agnew	R. L. Brown	Clemmons
Clyburn	Dillard	Funderburk
Hardwick	Hodges	Hosey
Howard	Hutto	King
McEachern	Merrill	J. H. Neal
A. D. Young		

Total--16

So, the Bill, as amended, was read the second time and ordered to third reading.

STATEMENTS FOR THE JOURNAL

We support regulating the payday lending industry. However, we could not vote for this industry-driven legislation that does not provide adequate safeguards for South Carolina's citizens, especially during these uncertain economic times. We supported amendments that would have provided a cooling-off period between loans, limitations on size of loans, caps on interest rates, and stronger penalties for businesses that do not follow the law. We believe the legislation as passed will do little to address the problems associated with this industry.

Rep. Paul Agnew
Rep. Laurie Slade Funderburk
Rep. Kenneth Hodges

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STATEMENT FOR THE JOURNAL

I have recused myself from voting on matters pertaining to H. 3301 because in my private law practice I am representing several South Carolina citizens who are suing the Payday Lending industry in a class action lawsuit, and even though I believe that a lawyer could legally and ethically vote under these circumstances, I choose to abstain to avoid the appearance of a conflict of interest.

Rep. J. David Weeks

STATEMENT FOR THE JOURNAL

I have recused myself from voting on matters pertaining to H. 3301 because in my private law practice I am representing several South Carolina citizens who are suing the Payday Lending industry in a class action lawsuit, and even though I believe that a lawyer could legally and ethically vote under these circumstances, I choose to abstain to avoid the appearance of a conflict of interest.

Rep. Karl B. Allen

STATEMENT FOR THE JOURNAL

I have recused myself from voting on all matters pertaining to H. 3301 because in my private law practice I am representing several South Carolina citizens who are suing the Payday Lending industry in a class action lawsuit, and even though I believe that a lawyer could legally and ethically vote under these circumstances, I choose to abstain to avoid the appearance of a conflict of interest.

Rep. Todd Rutherford

STATEMENT FOR THE JOURNAL

I have recused myself from voting on all matters pertaining to H. 3301 because in my private law practice I am representing several South Carolina citizens who are suing the Payday Lending industry in a class action lawsuit, and even though I believe that a lawyer could legally and ethically vote under these circumstances, I choose to abstain to avoid the appearance of a conflict of interest.

Rep. Christopher R. Hart

STATEMENT FOR THE JOURNAL

I have recused myself from voting on all matters pertaining to H. 3301 because in my private law practice I am representing several South Carolina citizens who are suing the Payday Lending industry in a class action lawsuit, and even though I believe that a lawyer could

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legally and ethically vote under these circumstances, I choose to abstain to avoid the appearance of a conflict of interest.

Rep. Doug Jennings

STATEMENTS FOR THE JOURNAL

Due to our participation in ongoing litigation involving the Payday Lending industry, we have not participated in any way in the debate of H. 3301.

Rep. James Harrison

Rep. G. Murrell Smith

Rep. Leon Stavrinakis

Rep. LITTLEJOHN moved that the House do now adjourn, which was agreed to.

RETURNED WITH CONCURRENCE

The Senate returned to the House with concurrence the following:

H. 3473 -- Rep. Anthony: A CONCURRENT RESOLUTION TO CONGRATULATE THE UNION COUNTY CARNEGIE LIBRARY FOR BEING SELECTED THE LIBRARY JOURNAL BEST SMALL LIBRARY IN AMERICA 2009.

H. 3477 -- Reps. Neilson, Williams and Lucas: A CONCURRENT RESOLUTION TO RECOGNIZE AND CONGRATULATE THE DARLINGTON HIGH SCHOOL "LADY FALCONS" SOFTBALL TEAM, OF DARLINGTON COUNTY, ON ITS OUTSTANDING SEASON AND IMPRESSIVE WIN OF THE 2008 CLASS AAA STATE CHAMPIONSHIP TITLE.

ADJOURNMENT

At 6:49 p.m. the House, in accordance with the motion of Rep. SKELTON, adjourned in memory of Salena Parrish Griffin of Six Mile, to meet at 10:00 a.m. tomorrow.

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H. 3056	26	H. 3416	17
H. 3128	17	H. 3418	5
H. 3164	17, 18	H. 3452	16, 25
H. 3170	3	H. 3457	26
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H. 3196	15	H. 3473	87
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H. 3225	29	H. 3493	6
H. 3231	15	H. 3494	6
H. 3245	16, 18	H. 3495	7
H. 3265	16	H. 3496	7
H. 3295	26	H. 3497	9
H. 3299	16, 18	H. 3498	9
H. 3301	43, 86, 87	H. 3499	10
H. 3305	16	H. 3500	10
H. 3333	4	H. 3501	11
H. 3342	4		
H. 3352	2, 17, 18	S. 4	12
H. 3372	17	S. 274	42
H. 3378	3	S. 393	8
H. 3393	18	S. 394	8